

<http://researchcommons.waikato.ac.nz/>

## **Research Commons at the University of Waikato**

### **Copyright Statement:**

The digital copy of this thesis is protected by the Copyright Act 1994 (New Zealand).

The thesis may be consulted by you, provided you comply with the provisions of the Act and the following conditions of use:

- Any use you make of these documents or images must be for research or private study purposes only, and you may not make them available to any other person.
- Authors control the copyright of their thesis. You will recognise the author's right to be identified as the author of the thesis, and due acknowledgement will be made to the author where appropriate.
- You will obtain the author's permission before publishing any material from the thesis.

# **Creating Public Dialogue**

*Bridging the Divide between  
Television Policymakers and Citizens*

**by**

**Rose M. S. Macbeth**

A thesis submitted in partial fulfillment  
of the requirements for the degree of  
Doctor of Philosophy

UNIVERSITY OF WAIKATO  
2002

(ii)

## **Abstract**

This thesis identifies a lack of public participation in both the historical and contemporary communication dimensions of New Zealand's media regulation. It illustrates how this situation is evident even in policies such as the Codes of Practice which dictate programme standards for broadcast television. The thesis then argues this situation can be resolved and shows how Citizens' Juries can act as dialogue bridges between media organisations and citizen representatives to enable community opinion to inform and benchmark policy decisions.

The research programme first considers the twin narratives of social power and the restrictions of public participation in policy dialogue. This is addressed through data gathered from a series of literature reviews of the historical development of New Zealand's press and broadcasting services. An additional review clarified the impact of British and American socioeconomic principals in the regulatory policies of New Zealand media, especially television broadcasting. Interviews with television officials and researchers in Britain and America informed this investigative review which disclosed a triangulation of influences in New Zealand media models.

The thesis is framed in the context of an "action research" programme designed to specifically address the historic lack of public dialogue evident even in television policies that have a widespread community impact. The study confirms the documented ability of "action research" inquiry to provide large quantities of rich descriptive data and to generate new theoretical insights. A list of fifteen characteristics applicable to an action research study aimed at organisational change is used to validate this study's methodology. The action research inquiry method closely matches this type of exploratory problem-solving research, as it requires interdisciplinary theoretical scanning. This proved beneficial as it enabled specific interacting theories to be located to precisely explain the social issues and situations that can emerge in a programme designed to resolve a real-world issue in a complex social setting. The action inquiry method also acknowledges the value of practice-based knowledge and other informal experiences that contribute to this research programme.

### (iii)

As the preface relates, reflections about the action steps (part of the action research inquiry structure) were shown to increase understanding and theoretical insights, and propel the research process forward. These “active thinking” phases led to an investigation of the Citizens’ Jury methodology, its international practice and the planning of the Waikato Citizens’ Jury. In this event 12 Waikato residents debated the “good taste and decency” Code of Practice for Free-To-Air television with a number of television experts, including broadcasting executives, Broadcasting Standards Authority staff members, academic researchers and different aged television viewers. The thesis provides a rationale for the design and operation of the Waikato Citizens’ Jury as well as its evaluation procedures. The EPPT (Equal Preparation Participation Time) formula was an outcome of the Waikato Citizens’ Jury held from 2-4 July 1999. The formula components are designed to act as a policy guideline for the management of public dialogue events between policy-makers and citizen representatives.

This study contends that the Citizens’ Jury model is a more ethical, and valuable public opinion gathering method than the polling theoretical methods in present widespread use, as its practice engages both parties in a process of informed face to face dialogue. The Jury structure works to equalise the normally asymmetrical relationship between policy-makers and citizens. The thesis asserts that the Waikato Citizens’ Jury demonstrates both a solution to the dialogue divide between television policymakers and citizens, and the problem of resolving public participation in New Zealand media regulatory practices. It also demonstrates action research displays the tenets of sound scientific research practice and the success of the EPPT dialogue formula in action. The thesis ends by concluding that New Zealand media organisations due to their persistent refusal to consult directly with citizens, especially about policies with a widespread community impact, exhibit a syndrome the author terms “institutional NIMBYism”.



(iv)

## Acknowledgements

*This research programme could not have progressed without the freely given knowledge of many people both in New Zealand and overseas. I am particularly indebted to: Jane Aldridge and Pam Hanley at the Independent Television Commission in London; Andrew Ketteringham at the British Broadcasting Standards Commission, Fraser Steel and Katherine Lannon at the BBC and Dr Dale Kunkel of the University of California at Santa Barbara.*

*In New Zealand, I am especially grateful to David Edmunds at TV One for his operational knowledge about television programme standards and his presentation at the Waikato Citizens' Jury. The support of Dr Michael Stace and Dr Wiebe Zwaga of the Broadcasting Standards Authority are also acknowledged and former Authority members Jocelyn Fish DCNZM, CBE, JP and Jan Hardie for sharing their memories. Special gratitude is extended to each of the Jury presenters and most importantly the 12 members of the Waikato Citizens' Jury panel who so quickly grasped the merit of the event and by their own admission thoroughly enjoyed the occasion. The Citizen's Jury project would have been a poorer experience for both the participants and this research study without the personalities and wisdom of each citizen juror, and expert presenter.*

*To my chief supervisor Dr David McKie, of the Department of Management Communication, goes my very warmest thanks and sincerest appreciation for his generous availability, stimulating conversations, useful guidance, and always active support of my desire to undertake a research programme with the potential to make a community contribution. Appreciation is also extended to Dr Munshi of Management Communication for his assistance and Dr Geoffrey Lealand of Screen and Media Studies for sharing his valuable overseas contacts.*

*Special acknowledgement goes to friends Irene, A.K.N, Pamela and the K.I.S.S. man who assisted with practical and emotional support during the length of this research journey, as its duration was unfortunately complicated by a difficult personal journey to negotiate.*

*Finally, this research programme with its extensive overseas and nationwide fieldwork and its detailed Citizens' Jury project management requirements could not have succeeded in its ultimate expanse without the financial support provided by a number of research awards which I gratefully acknowledge. They included a University of Waikato Postgraduate Scholarship, a New Zealand Federation of University Women Waikato Branch Merit Award, a Harriet Jenkins award, a Waikato Management School research grant, the 1999 Kate Sheppard Memorial Award, and a New Zealand Federation of University Women Fellowship.*

Rose M. S. Macbeth

## Contents

Abstract	ii
Acknowledgements	iv
Contents	v
List of Figures	ix
Poem: Dialogue	x
<b>Preface:        A Prehistory of the Project</b>	<b>1</b>
The structural flow of the thesis	4
Negotiating the research journey	7
<b>Chapter 1        Gatekeepers, Gatecrashers and Collaborators</b>	<b>17</b>
1.1: (Case 1) Press Industry Gatekeepers and Political Collaborators	18
Newspaper ownership, consolidation, monopoly and government links	21
The elite management of press regulation and public pressure	23
1.2: (Case 2) Government Domination and Gatekeeping of Radio	26
Bureaucratic executive control and interference in radio services	27
A gatecrashing broadcaster and a series of bureaucratic reactions	29
1.3: (Case 3) Bureaucracy and Political Gatecrashers Affect Television	32
Political and bureaucratic interventions as products of elite social power	34
Continuing upheavals for television from political restructuring	36
A political gatecrasher disrupts television's organisation	38
Political and corporate interests combine to begin an era of deregulation	40
1.4: Summary	43
<b>Chapter 2        The Media Policy Landscape</b>	<b>45</b>
2.1: The objectives of this chapter	46
2.2: The public policy process and its relationship to media operation	48
2.3: Coercive social power as a characteristic of media policies	50
2.4: (Case 1) Elite social power gives the press constitutional protection	55
Political actions and policies illustrating a desire to control the press	57
Legislation designed to interact with media activities	59
The New Zealand Press Council	62
2.5: (Case 2) The New Zealand Broadcasting Standards Authority	64
Rules and procedures for handling public complaints	67
2.6: Professional practice policies influencing press and broadcasting	71
2.7: Summary	72

## **(vi)**

<b>Chapter 3</b>	<b>Managing the Research Field</b>	<b>75</b>
3.1:	The research approach and rationale	75
3.2:	Critical debates about action research as academic inquiry	77
3.3:	The evolutionary development of action research practice	79
3.4:	Defining the characteristics of an action research programme	82
3.5:	Creating Public Dialogue: an action research programme	86
3.6:	Exploring the action research field and the resulting hypothesis	87
3.7:	The structure and directional flow of this thesis	89
3.8:	Television as the action site for a change in organisational practice	91
3.9:	Bridging the divide between television policymakers and citizens	93
3.10:	Summary	96
<b>Chapter 4</b>	<b>A Triangle of Regulatory Influences</b>	<b>98</b>
4.1:	The orientation and structure of this chapter	98
4.2:	A triangle of influences in New Zealand television	100
4.3:	Factors influencing television regulation and citizen dialogue	102
4.4:	(Case 1) American Television, A Competitive Market Commodity	106
	The American regulatory pattern for broadcast television	107
	Legislation protects the voluntary nature of television practice codes	108
	Assessing community standards for American television	110
4.5:	(Case 2) The Public Service Tradition of British Television	112
	Regulating institutions for television and their public service traditions	114
	Assessing community standards and regulating television content	117
	The theoretical pattern of British television regulation	120
4.6:	Two theories in action define New Zealand broadcasting evolution	121
4.7:	Pluralism and managerialism at work in New Zealand television	124
4.8:	Summary	126
<b>Chapter 5</b>	<b>Citizens' Juries: Dissolving Dialogue Boundaries</b>	<b>128</b>
5.1:	Thesis data prescribing this action cycle and the action plan	129
5.2:	The status of public consultation practice in New Zealand	131
5.3:	The importance of public participation to organisational well-being	134
5.4:	(Case) Citizen's Juries: A Strategy for Citizen Participation	136
	Distinguishing features of the Citizens' Jury method	138
	Following Fishkin: Tracing the theoretical pathway to Citizens' Juries	139
	Combining deliberation and Athenian juries into a full democratic vision	141
	Following Follet: The coactive arrangement of power in Citizens' Juries	142
	The institutionalisation of Citizens' Juries as a societal benefit	144
5.5:	An international review of some Citizens' Juries and their topics	146
5.6:	The Wellington Citizens' Jury	149
5.7:	Summary	151

## **(vii)**

<b>Chapter 6</b>	<b>The Waikato Citizens' Jury Action Plan</b>	<b>153</b>
6.1:	Data prescribing the Waikato Citizens' Jury project	154
6.2:	Designing and planning the Waikato Citizens' Jury	156
6.3:	Ethical considerations and the equitable treatment of participants	159
6.4:	Selecting the Jury participants and ensuring a balanced programme	160
6.5:	Producing an impartial and balanced agenda	161
6.6:	Planning the Jury evaluation programme and its components	163
6.7:	The random sampling process and selecting the Jury panel	166
6.8:	Choosing the population base and inviting the Waikato jurors	168
6.9:	Summary	170
<b>Chapter 7</b>	<b>The Waikato Citizen's Jury</b>	<b>171</b>
7.1:	The introductory briefing meeting held before the Citizens' Jury	174
7.2:	Day one, afternoon session	176
7.3:	Day one, evening session	179
7.4:	Day two, morning session	181
7.5:	Day two, afternoon session	184
7.6:	Day two, evening session	188
7.7:	Day three	188
7.8:	The Waikato Citizens' Jury Report, approval and distribution	191
7.9:	Summary	193
<b>Chapter 8</b>	<b>Gatecrashing an Elite Policy Circle</b>	<b>194</b>
8.1:	Evaluating the Waikato Citizens' Jury action research project	195
8.2:	Creating dialogue between television policymakers and citizens	196
8.3:	Media response to the action project enlarged the dialogue circle	198
8.4:	Two factors limiting the impact of the action plan and its effects	199
8.5:	to gain elite attention in New Zealand survey size matters	200
8.6:	Information sharing works to limit the influence of elite social power	203
8.7:	Knowledge sharing, a key to rebalance an asymmetrical relationship	206
8.8:	EPPT limits elite activity and enhances public consultation practice	208
8.9:	Gathering citizens' opinions about television standards	211
8.10:	The results of a survey assessing prior topic influence	213
8.11:	An assessment of the Waikato Citizens' Jury and its impact	215
8.12:	Summary	219

## **(viii)**

<b>Chapter 9</b>	<b>Media, Citizens, Dialogue and NIMBYism</b>	<b>220</b>
9.1:	Tracing the protectionist pathway of media's institutional NIMBYism	222
9.2:	Organising the research strategy to counter media's NIMBYism	226
9.3:	The role, contribution and limitations of practitioner experience	229
9.4:	Changing assumptions and long-term media practice	230
	Note:	232
<b>Postscript:</b>	<b>Recent Developments and New Directions</b>	<b>236</b>
1:	Recent developments for broadcasting	236
2:	The promotion of participatory democracy in broadcasting	239
3:	The review of the Codes of Broadcasting Practice	243
4:	The second Waikato Citizens' Jury	246
5:	Closing research reflections and new directions	249
<b>Appendixes:</b>		<b>262</b>
A:	Ethics Research Committee Approval	263
B:	Waikato Citizens' Jury Participation Consent Form	264
C:	TV3/TV4 Network letter to Waikato Jury	265
D:	List of the Waikato Citizens' Jury presenters	267
E:	Pre Jury Questionnaire	268
F:	Post Jury Questionnaire	273
G:	Jury Evaluation Questionnaire	284
H:	Population sampling charts	290
I:	Random Sample Questionnaire	294
J:	Waikato Citizen Jurors' Profile List	295
K:	Waikato Citizens' Jury Agenda	296
L:	List of public complaint video clips	297
M:	Summary Waikato Jury recommendations/conclusions	298
N:	Conclusions of second Waikato Citizens' Jury	300
O:	List of New Zealand and overseas interviewees	306
<b>Bibliography:</b>		<b>307</b>

## List of Figures

<b>Figure No.</b>	<b>Page</b>
<b><u>Figure 1.</u></b> Elite participants in the media policy dialogue circle	<b>51</b>
<b><u>Figure 2.</u></b> Creating public dialogue: Action research cycles	<b>86</b>
<b><u>Figure 3.</u></b> The triangulation of influences in New Zealand television	<b>102</b>
<b><u>Figure 4.</u></b> Public participations' role in building strong communities	<b>134</b>
<b><u>Figure 5.</u></b> Waikato Citizens' Jury Project Management Cycle	<b>156</b>
<b><u>Figure 6.</u></b> The seating arrangement decided by the Waikato jurors.	<b>171</b>
<b><u>Figure 7.</u></b> David Edmunds, Programme Standards Manager for Television New Zealand outlines programme regulations to the Jury panel.	<b>176</b>
<b><u>Figure 8.</u></b> Dr Michael Stace, Executive Director of the New Zealand Broadcasting Standards Authority (BSA) speaking to the panel	<b>178</b>
<b><u>Figure 9.</u></b> Jurors read about the Codes of Broadcasting Practice	<b>179</b>
<b><u>Figure 10.</u></b> A juror puts a point to Dr Wiebe Zwaga about the BSA	<b>179</b>
<b><u>Figure 11.</u></b> Jury presenters Dr Geoff Lealand, Mr Paul Smith, Mrs Helen Martin and Mr Chris Watson	<b>182</b>
<b><u>Figure 12.</u></b> TV producer Ms Jill Graham answers jurors' questions	<b>184</b>
<b><u>Figure 13.</u></b> Group A brainstorm their findings about TV standards	<b>190</b>
<b><u>Figure 14.</u></b> Group B discuss their opinions about various TV Issues	<b>190</b>
<b><u>Figure 15.</u></b> The group photo sent to each juror with a copy of the Waikato Citizens' Jury report. In the photo the 12 jurors stand with the research coordinator (Rose Macbeth centre front) at the close of the action project on Sunday 4 July 1999.	<b>192</b>
<b><u>Figure 16.</u></b> Results of the prior influence media survey about the Waikato Citizens' Jury topic	<b>215</b>
<b><u>Figure 17.</u></b> Cartoon: The appearance and form of NIMBY activity	<b>225</b>

Photo credits: Ross Clayton: Figure 6  
Melissa Gordon: Figures 7, 13 & 14  
Rose Macbeth: Figures 8, 9, 10, 11, 12, 15

**(x)**

## **DIALOGUE**

One vision will erect a tent,  
Another raise a tower.  
Pity that proud unseeing one  
Whose scan conceives no bower.

Canvas is but easily rent,  
Stones are prone to crumble.  
Shelterless I braved the storm.  
Might the pious be as humble!

(Roger White, 1981)

# **Preface**

## **A Prehistory of the Project**

The core of this research programme is the organisation, enactment, and analysis of a substantial public participation exercise in the form of a Citizens' Jury<sup>1</sup> project designed to demonstrate the viability of wider consultation of New Zealand citizenry in relation to New Zealand media. This preface describes how that public project arose out of two hypotheses: firstly, that there is a historic and contemporary lack of dialogue between citizens and media policy-makers; and, secondly, that this situation could potentially be resolved with further investigation and the use of an approach based on the ideas and practices of Citizens' Juries in other countries. At this stage I also sketch: how these hypotheses arose; how I came to adopt the action research approach that shapes the thesis; and how a flavour of action research's self-reflexive component can be conveyed through an imaginary dialogue.

The research story began in July 1998 with an examination of literature about the field of New Zealand media regulation. In the course of the examination, while searching how to make the original contribution to knowledge required for a doctorate, I identified a number of intriguing patterns and themes relating to the nature of the

---

<sup>1</sup> The common format for the term "Citizens' Jury" is used in this thesis instead of its APA format.



relationship between New Zealand broadcasting authorities and the public. Since previous studies had covered such areas as: historical factors (e. g., in publications by Day, 1994; Hawke, 1994; Boyd-Bell, 1985); audience research (e. g., in publications by Lealand, 1998; Zwaga, 1992); regulatory debates (e. g., in publications by Spicer, Powell, & Emanuel, 1996; Smith, 1996; Bell, 1995; Farnsworth, 1992); and broadcasting standards and the role of the Broadcasting Standards Authority (Clemens, 1995), it was obvious there would be some difficulty finding an appropriate framework to make a distinct contribution to debates about media regulation in New Zealand.

This difficulty was compounded by two further factors: Firstly, media regulation has been a hot topic of debate for media researchers to research and write about in most comparable countries in recent years (e. g., O'Regan & Cunningham, 2000; Donald, 1998) and, secondly, and more importantly, because, as a former media practitioner committed to greater democracy, I wished to produce research that would make a contribution to more effective and inclusive community relationship practices.

After considerable trial and error, I adopted an action research approach. In line with the requirements of a doctoral thesis, and my stated objectives, action research enabled an original contribution, a critical perspective, and the execution of a project with the potential to make real-world change. As a result the Citizens' Jury project, which demonstrates action research theory in action and the successful resolution of the two hypotheses, became the fulcrum of the thesis.

For this particular research programme, action research offered a number of additional advantages. These advantages can be briefly summarised as:

- descriptive data to prescribe a research strategy;
- practitioner experience and values;
- interdisciplinary scanning to facilitate theoretical insights;
- problem-solving response plans;
- research with an intent to change a situation;
- research projects devised for real-world social settings; and
- the active involvement of citizen participants.

Despite media theory being considered a “loose field” of different perspectives (Dahlgren, 1997, p. 50), no single media research approach appeared to offer a comparable mix of multiple research strategies so relevant to how I saw this research programme with its public project developing. For example, while a discourse pattern of elite social power emerging from the historical material held strong promise, discourse analysis did not fit with either the range or the practical application and experiential aspect of the Citizen’s Jury. I chose not to use reception and other allied audience analysis methods for similar reasons (Jensen & Rosengren, 1990). In this instance, another reason was the decision to relegate public opinions gathered about television content to a peripheral rather than a central focus of the research. The openness of cultural studies to new developments and its “cluster of concepts” (Corner, Schlesinger, & Silverstone, 1997, p. 13) had considerable appeal but again offered fewer useable specifics given the intent and range of this thesis. Ethnography, as the site of media reception (Frey, Botan, Friedman, & Kreps, 1992), was also reviewed and rejected for similar reasons.

In adopting action research inquiry, and its resolution of a real-life problem situation, I hope to demonstrate that it is a method worthy of being institutionalised in the field alongside other media research traditions. Like traditional methods of media inquiry, the action research method has its own history and set of prescribing rules or characteristics. For example, a major characteristic of action research inquiry is the production of a complex genealogy of subject material. During the course of this thesis a considerable quantity and diversity of data developed to create numerous spin-off studies within several different media inquiry traditions for future researchers. It, for example, will enable a comparative assessment of public opinion survey methodology and an audience analysis between New Zealand and British citizens can be undertaken with data results from this study providing an initial benchmark. Such data accumulation about diverse issues pointing to new research avenues is a common feature arising from action research projects.

In the course of applying action research for this thesis, I have discovered that it holds particular benefits for media researchers and policy makers, especially those prompted to operate beyond the boundaries of audience and textual analysis.

### **The structural flow of the thesis**

In addition to enabling the generation of specific data, the action research approach gives a distinctive shape to the structure of this thesis. The structural arrangement is designed to reflect both the flow of the research steps and a number of best practice action research principles. For example, this introductory Preface is included as the

thesis opens with two data-laden literature review chapters, instead of the usual explanatory introduction chapter. This arrangement displays the first research steps and the principle that an action research programme attend to prescribing data material before “questions of methodology and research technique” (Kemmins & McTaggart, 2000, p. 599). This opening arrangement has also been selected because action research is characterised by large amounts of rich descriptive data, which both prescribes a research plan and its theory explorations and development (Winter, 1998). However, action research is not alone in opening a research study in this way. The analytic induction method similarly begins with the explanatory material generating a hypothesis (Wimmer & Dominick, 1997, p. 88). Accordingly, chapters one and two contain considerable descriptive information about the action research field of New Zealand press and broadcasting because this material prescribed and suggested the direction of the hypotheses and initiated the real-world problem-solving project strategy.

As the study drew to a close I was able to draw my own conclusions about the inquiry method for, despite an increasingly strong track record across a number of other disciplines, action research is still often criticised for its variation from scientific approaches. The progress and results of this thesis confirm that the action research inquiry method, and its various components, closely conforms to the tenets of sound research practice. I argue that any variations are not matters of substance, but instead provide research programmes using the method a distinctive appearance, just like other inquiry traditions. This confirmation is important since, in some fields, action

research remains a contested method, despite it being institutionalised in various academic disciplines for many years.

Finally, the last section of this opening preface relates to another major characteristic of the action research inquiry method, that of research reflections. Reflections arising from action research and their documentation typically form part of action research projects (Eden & Huxham, 1996). However, though action research is generally regarded as being a more self-reflexive mode of inquiry I am less comfortable with this aspect in the conventionally formal parameters of an academic thesis. I have chosen therefore to present and position this side of action research outside the main body of the thesis.

Accordingly, the last part of this preface is laid out as an impressionistic dialogue containing research reflections about the origins and development of this research programme. The dialogue is designed to show how reflections about the research process actively progressed the thesis. It is laid out like a question and answer transcript to portray structurally another action research characteristic, “the integral involvement by the researcher in an intent to change” (Eden & Huxham, 1996, p.537) an organisational practice. This also aligns with Winter’s (1998) claim that action research is a process of improvisation and a journey of theoretical self-discovery with the inquiry process just as important as the topic. This reflective section sets out the early stages of this research programme’s journey and supports Winter’s claim that action research is “inherently both reflexive and multidisciplinary” (1998, p. 371). For

the same reasons, a similar closing dialogue of research reflections concludes the final section in the postscript.

## **Negotiating the Research Journey**

*Question: What is the position of “dialogue” in your thesis?*

Finding and creating dialogue was the essence of this study. Dialogue weaves together and organises themes throughout this research journey. In each phase, including the investigation, identification, collection and explanation of the various materials, dialogue guided and informed the research process. In fact, the whole research programme symbolically reflects Mikhail Bakhtin's (1981) view that dialogue consists of a speaker, a listener or respondent, and the relation between these two. This research programme, also symbolically reflects some of his theories about language operation.

For example, Bakhtin explains that there are always two forces at work in all language or dialogue and calls them the centripetal force and centrifugal force (1981, pp.667-668). Centripetal pushes things towards a central point while centrifugal pushes things outward in all directions and away from a central focus. Symbolically this relates to my research intent to open up the dialogue arena of media policy-making to multiple community voices from its present centralised and closed system.

*Question: Okay, enough symbolism. Let's get back to your research process*

Well, it is the relationship between Bakhtin's first two elements (the speaker and the listener), or in my case media decision-makers and the community, that I resolved to try and improve. Dialogue, or rather, a lack of dialogue was the rationale behind organising the Waikato Citizens' Jury. That Jury was designed to demonstrate a method of improving the social environment between media organisations and citizens through a more equal dialogic exchange.

*Question: How do you define "dialogue" and why use this term?*

To keep it simple various dictionaries define "dialogue" as a conversation between two or more people. It comes from the Greek word *dialogos* meaning "a conversation". However, dialogue can take many different forms such as being any written representation of a conversation, as in a historical narrative or a drama. For example, the poem at the beginning of this study is titled *Dialogue* and what meaning it holds will vary according to each reader, as it can be a dialogue between the poet and his mind, the poet and reader, or poem and reader. This interpretative variation is in all dialogues and can lead to problems about meaning but in oral face to face dialogue this is less of a problem as meaning can be debated and confirmed. The term dialogue also links descriptively across decades of knowledge back to the philosophic dialogues of Plato.

Indeed, it was the free-flowing face to face dialogue between citizens<sup>2</sup> at assemblies and citizens' juries in ancient Greece that inspired the design of modern Citizens'

---

<sup>2</sup> While it is understood that a "citizen" in Ancient Greece was only a freeborn adult male the use of the word in this thesis is inclusive of either male or female persons and those from any strata of society.

Juries, and it is the lack of this type of interpersonal dialogue between New Zealand media policy-makers and citizens that provided the inspiration for this study.

*Question: So how did you travel from media regulation to ancient Greece?*

The open nature of the research inquiry process allowed such free ranging actions to take place. Exploratory literature reviews of the history of New Zealand's mass media regulation (press, radio and television) were the first step in the process. The second step was a reflective thinking phase to assess the material. Two dialogue patterns or narratives emerged: the lack of citizen participation or even representation in media policy-making and the restrictive actions of government officials, media organisations and media executives towards various issues of public interest. This initial exploratory process and the reflective phase led to the hypothesis (Gk. *Hupothesis*, a proposal) that there was a historic and contemporary lack of dialogue between citizens and media policy-makers. A second hypothesis also appeared - based on my practitioner knowledge - that this situation could potentially be resolved with further investigation and different approaches.

Such questions explore the ironic contradiction that media have adopted a democratic mediation role on behalf of the public, to encourage greater public participation, yet they themselves keep their own doors firmly closed to public participation. This area appeared to be a site for an interesting research programme as I had skills and experience that connected with this idea. I later read that the relationship between



media and citizenship is under-researched, though my approach differs somewhat to those advocating ways of rectifying the gaps (i. e., Donald, 1998; Price, 1995).

*Question: So, the study involved both exploratory and problem-solving research?*

Yes. Though the study also involved a third trial function since the organisation and operation of the Waikato Citizens' Jury tested the prediction that it was a suitable method to solve the documented lack of dialogue between citizens and media policy-makers. Of course during the analysis process, a number of other theories were also tested, including my choice of the action research approach.

*Question: Why did you see it as important to resolve this organisational dialogue problem as well as explore and explain the lack of public participation hypothesis?*

There were a number of reasons. Firstly, it was a challenge that appeared waiting to be achieved. More importantly, it seemed strange in a communication-rich era, and one branded a knowledge economy, that accessing and valuing community knowledge should still be so consistently avoided in policymaking especially when the value of public consultation has been heavily promoted, even in New Zealand legislation.

*Question: But aren't a number of public participation or consultation processes now a policy requirement and carried out regularly by, for instance local government?*

Yes. Such processes are carried out. But I would argue public meetings, pamphlet drops, questionnaires, virtual opinion polls and even referendums are superficial asymmetrical activities. These methods just do not compare to a face to face informed

dialogue to accurately gauge community opinion for topics with a widespread community impact. To inform and benchmark such policy decisions I also believe the people who will be the recipients of those decisions should be fully consulted. Another reason suggesting that face to face dialogue was the best method came from my consultancy, or practice-based knowledge and experience. As a public relations and communication management practitioner I have organised and participated in numerous public consultation events that were dialogic, as well as the usual norms of public participation practice. The contrasts were obvious.

*Question: How did you start the investigation to find a suitable dialogue method for public participation in media policy discussions?*

It happened during a second exploratory research phase. The historical reviews of New Zealand's press, radio and television had revealed a consistent theme of British public service principles and regulatory models. In addition elements of America's more market-based media system, and its relation to popular audiences, also appeared more noticeable from the late 1980s as deregulation began to take effect.

*Question: So, another literature review was carried out to assess these international connections?*

Yes, and their importance for, and impact on, New Zealand's media environment and regulation led me to a research fieldwork trip to Britain and America to discuss regulatory policies with researchers and broadcasting officials in those countries. I also judged, based on the historical evidence, that if a dialogue method had already

been used successfully (to gather community opinion to inform policies) in these countries, it would be more likely to gain attention and be adopted in New Zealand. This built on the existing formula I had discovered for the entry of new ideas into the New Zealand regulatory system.

*Question: Did you find the Citizens' Jury method to create public dialogue overseas?*

Yes, in London, almost by accident. I carried out a number of interviews with senior executives and research officers at various agencies during two overseas trips in October/November 1998 and November 1999. The first trip was significant for providing information about the dialogue method that I required. A senior researcher, Jane Aldridge, at the Independent Television Commission in London handed me a copy of a just completed draft report she thought I might find interesting as I walked out her office door at the close of our discussion. This ITC report contained details of the first Citizens' Juries to be carried out by a regulatory body, and the topic was television programme standards.

*Question: Is this what led you to focus on television rather than other media?*

Well, by this stage I had already decided that the media area to demonstrate a public dialogue method should be broadcast television so the "fit" was a wonderful coincidence. My explorations of the history of New Zealand television, and in particular publicly owned television, had revealed frequent bouts of public frustration and demoralisation about television organisation and regulation. There are many well-documented instances of government executives and television officials making

arbitrary and coercive decisions which provoked outrage even from people in the television industry. My practice-based knowledge, and previous experience from working in that industry, provided confirmation of the normality of these instances.

Contemporary public debates continue to display a similar cycle of frustration with Television New Zealand still being treated like a political football each time a new government is elected. The amount of public debate about television standards and research evidence, that “good taste and decency” was a problematic community standard to set, made it an obvious topic for a trial Citizens’ Jury between citizens and policy-makers. I also immediately thought there was an opportunity to carry out an international comparison of citizen attitudes at some later stage, so kept this possibility in mind when planning the evaluation phase of the Waikato Citizens’ Jury project. The fact the Codes of Broadcasting Practice for Free-To-Air television, the industry standards for broadcast television content, were due for review in the Year 2000 also contributed to this decision.

*Question: Was there any difficulty in reconciling the action-based knowledge of the Citizens’ Jury with your practice-based knowledge and academic knowledge?*

I found theoretical gaps and mismatches when I started to construct a theoretical framework integrating the real-world resource material, from, for example, the Waikato Citizens’ Jury, with the stronger linear meaning structures that had emerged from the literature resource material. My own practice-based knowledge about the thesis problem and its possible solution helped drive and inform all phases of the

research process, but there appeared to be no appropriate position for it in the norms for media research inquiry. For some time, it turned into a difficult multidisciplinary negotiation to match abstract philosophic principles with complex real-world phenomena. The result was not a tidy linear fit but a fragmented web of concepts. It didn't help when I read that social science "cannot sustain claims to prescribe action" as "academic conceptions of theory tend to be prescriptive" (Winter, 1998, p. 361). What I required was an inquiry context that allowed the descriptive data to be prescriptive.

While contestable, Winter (1998) suggests that this type of situation can appear because a "university still draws its cultural authority from its institutional separation from the immediate motives of practical life" (p. 365). Understanding that there was indeed a recognised conflict and contradiction in my completed research when it came to explaining it (for a purely academic purpose) helped direct the process. By taking an action research approach the thesis has been able to bridge the "institutional separation" I found between academic theory and my real world research project and use of practitioner skills.

*Question: Finally, why use the words "citizen" and "community"?*

I prefer the word citizen when referring to individual members of a country, or members of the so-called general public, as it conveys a real image not found in the terms "audience" or "public" usually used in media studies. I was interested to later find there were others stating this preference (e. g., Karim, 1999). Also, dictionary

definitions for citizen include “a person belonging to, or living in a city or country, usually with certain rights and privileges” which infer values not found in the other words (Orsman, 1979; Irvine; 1962). From the latter source, the word “citizeness” is given as the correct term for a female citizen. However, for simplicity, I use “citizen” as a gender-neutral term to refer to either male or female.

I also prefer to use the word “community” to describe either a small, or large group of citizens. Again, terms such as “public” and “audience” do not present ready meanings of visibility, values and active association. The term “community” in the thesis is mostly used to refer to the New Zealand population and is intended to be inclusive of diversity and acknowledge links to many different groups. Raymond Plant (1974) explains many dimensions of meaning for the term “community” but a shared essence from them all could be: a particular type of social life and experience. My use of the words “citizen” and “community” are intended to convey a sense of interaction and partnership between people.

*Question: Okay, last question. I have to ask. Why use “divide” instead of the more popular term “gap” in your title?*

Well, while New Zealand politicians have recently popularised the term "closing the gaps" in reference to a number of community orientated policies I found the distance between New Zealand citizens and media decision-makers is not just a small “gap”, but a huge “divide” and was perceived as such on both sides. Individuals in the community consistently indicated they were resigned to the situation and those in

authority tended not to bother as they have after all been elected, appointed, or employed to decide policies on behalf of the community. It was like a Western with two opposing parties seeking a potentially better future while negotiating across a conceptual and resource divide of canyon-like proportions.

## **Gatekeepers, Gatecrashers and Collaborators**

The thesis identifies a lack of public participation in the development of New Zealand's press and broadcasting policies through literature reviews of the history of press, radio and television. This chapter constructs this material as three instrumental case studies to argue that the turbulent past of these New Zealand media displays an overarching pattern of control by dominant political and organisational authority. It further contends that this control works to exclude citizen and community interests.

The chapter begins by examining key events in the development of the press industry and goes on to revisit similar events within the development of broadcasting, both radio and television. It aims to illustrate how the combined social power of government, and media organisations, produced the regulatory policies of these three domestically accessed media without public dialogue.

In focusing on social power, the thesis is sited in a topic that is vast and interdisciplinary in scope, as social power is subject to numerous theoretical variations depending upon where its influence and patterns are observed. As a subject social power is also subject to many definitions, generalisations and interpretations. In order



to establish a clear pattern of social power the subject in this chapter is approached through historic examples where appropriate concepts are tied closely to the specific circumstances under examination. The chapter views the range of influence from being a hidden bureaucratic organisational factor to being publicly transparent through the coercive actions of domineering government executives and media officials.

Through these descriptive examples, it explains how “elite”, “bureaucratic”, “top-down” social power, both hidden and explicit, has significantly dictated the shape of New Zealand’s media development, and its relationship to citizens and community. The examples also illustrate the socially dominant alignment of media organisations with government, and their combined exclusion of citizen and community interests. The regulatory agencies of the three media (press, radio and television), their operation and community interactions, especially in relation to content regulation, are discussed separately in chapter two.

### **1.1: (Case 1) Press Industry Gatekeepers and Political Collaborators**

The asymmetric power relationship between media and politicians on one hand and the New Zealand people on the other has a long history. Issues of power and control emerged during the earliest days of the press in New Zealand. The first newspaper to be published was the second issue of *the New Zealand Gazette and Britannia Spectator* on April 18, 1840, at Port Nicholson by the New Zealand Company

(Bradley, 1973). Wealthy businessmen who were already a dominant minority in the country's population published this first newspaper, like the others that followed.

Bradley explains there were many power struggles during these early years:

The early history of the press in New Zealand was characterized by an intense degree of political in-fighting and by libel and law suits, as different sections of the new settlers' communities scrambled for their share of land, resources, and political power (1973, p. 5).

In 19<sup>th</sup> century New Zealand newspaper owners "were committed political advocates and many newspaper controllers became important office-holders" (Day, 1990, p.4).

The power of the press to mass circulate information in a community was recognized early, and its influence used by many of New Zealand's most prominent politicians.

For example, Prime Ministers John Ballance and Sir Julius Vogel established daily papers (*The Wanganui Herald* and *Otago Daily Times* respectively). Later, in 1907 a group of conservative farmers and professional men founded Wellington's *The Dominion*, with the sole purpose of opposing the Liberal Party Government of Sir Joseph Ward (Du Fresne, 1994, p.11). Consequently, while early newspapers may appear to have displayed a wide variety of unrestricted news the press standard was not politically neutral. In combining news publication with their political ambitions these press owners provide early confirmation of the assessment that "elitists normally focus on the polity" rather than the economy as a source of power (Olsen & Marger, 1993, p. 75).

The increasing social power of press owners soon attracted political control. The first recorded incidence of direct government interference with a New Zealand newspaper

took place in Russell in December 1840. The *New Zealand Advertiser and the Bay of Islands Gazette* was ordered to cease publication after expressing concerns about government land policies. The *New Zealand Gazette and Wellington Spectator* issue of January 30, 1841 called this action an “insult to the good sense and loyal disposition of the Queen’s subjects in New Zealand” (cited in Day, 1990, p. 14).

Readers already receiving information structured by the political interests of press owners now had their news controlled and restricted by government interests. The government intervention is indicative of a symbiotic relationship between media and government and Olsen and Marger (1993) go so far as to claim that neither can function without the other. On this occasion the emerging press industry had been firmly reminded that it must take into account government interests. It is significant that nowhere in the conflict between these two dominant social groups is there any real representation of a public position though outrage is expressed at the government curbing a press owner’s right to distribute information (Day, 1990).

This incident of collaborative conduct between press owners and the government, and their combined inattention to community interests, indicates what has become a recurring theme of New Zealand’s media evolution. The theme’s importance is highlighted by Biocca’s (1991) argument that the ability to control a means of communication in a mass-mediated society is a power exercise that can define a society’s structure. Foucault (1972) similarly establishes a definite relationship between discourse and power, claiming it is embedded in all organisations, and

systems. However, though he establishes that power has a widespread structural connection Foucault does not, unlike Olsen and Marger (1993), ascribe specific forms to power, therefore their perspective is preferred as providing greater explanatory depth to this project. Elsewhere in his writings, along with Biocca (1991), Foucault does view citizens as regulated by dominant power discourses. Both identify patterns that, like the early struggles over the press in New Zealand, work to privilege a few and exclude others (Foucault, 1984, p.112). Historically this pattern of exclusion increased in influence as press owners and government allied in various forms to control the distribution and access of news information within the community.

### **Newspaper ownership, consolidation, monopoly, and government links**

One such form, although it was promoted as a benefit for readers, was the 1879 setting up of the United Press Association (UPA), which established greater industry control of press content. This national agency for news items made the same national news available for circulation for the first time to readers throughout the country, but it meant only one perspective was available. Day explains the arrangement in the following terms:

Within this association each newspaper's individual reporting responsibilities were restricted to local events and their communication to the association. The rest of a newspaper's material was press releases from the United Press Association (1990, p. 237).

There were other restrictions. All newspapers desiring news items from the United Press Association services had to join the association and members were not allowed to compete or gain telegraphic news from any other agency, local or international.

Day (1990) reports the government viewed the power of this new press agency with some concern but still passed the legislation protecting its business monopoly. The Protection of Telegrams Act stated that overseas telegrams were copyrighted for 18 hours from first publication. This strict legislative mechanism stopped anyone not belonging to the United Press Association from publishing overseas news material printed in the newspapers of association members (Day, 1990, p. 232).

The formation of the United Press Association had a long-term effect. It ensured those newspapers that had been dominant in the late 1800s maintained their dominance until a separate news service was established 100 years later for television in the 1960s. The press owners' early alignment with political authority had proved beneficial, and, in terms of power, their actions are consistent with the self-interested behaviour of interdependent 'elite' relationships where:

Elites commonly employ all available means to protect and preserve their power and enhance it whenever possible. They share power with others only when it is in their self-interest, and they never voluntarily surrender power (Olsen & Marger, 1993, p. 80).

There are a number of other signposts within this dual authority alignment which show how the elite social status of the two organisations worked to exclude community interests. If Olsen and Marger's (1993) characteristics of elite status are applied to the New Zealand media, they confirm how both press and government possess social power. Significant characteristics include: press owners possessing wealth and working to become part of the polity; they and the government being a minority of the population, and both being highly organised, controlling a critical resource (e. g., mass

media), operating hierarchical structures; and both organisations working to dismiss opposing factions (Olsen & Marger, 1993, pp. 79-80).

To adapt terminology coined to address United States media concerns, the government and press owners played collaborative “gatekeeper” roles that worked to exclude community participation in media decision-making. Gatekeeping is a metaphor commonly associated with people involved in the editorial process of news production in media organisations (White, 1950). Various explorations of the social contexts in which news selection and presentation are produced have since broadened the original “gatekeeper model” (Galtung & Ruge, 1965; Boyd-Barrett, 1980; Bell, 1991) but for the purposes of this thesis, a “gatekeeper” is taken as a metaphorical reference for those that sit highest in the media chain, that is to say those authorities - organisational and political - that control the decision-making about the structure and policies of press and broadcasting, and consequently community access and interaction. When used to maintain industry authority and independence, media regulation can similarly support a community gatekeeping role.

### **The elite management of press regulation and public pressure**

In 1898 a newspaper proprietors’ association was formed (renamed the Newspaper Publishers’ Association of New Zealand Inc. in 1971), and in 1912 a professional journalists’ association (Perry, 1982, p. 5). In 1973 the journalists’ association was wound up and replaced by the New Zealand Journalists’ Union. Unlike these professional industry associations, the formation of the Press Council can be assessed

as being a result of public dissatisfaction but, on closer examination, even this incident proves to be an industry managed event designed to strengthen the press industry's interests over community interests and maintain its independence from political and community interference.

In practice the press industry had managed to operate for over 100 years without any regulatory body, in spite of repeated requests from some large publicly representative organisations (i. e., the National Council of Women, the Post Primary Teachers' Association, and the United Nations' Association) that there should a press council to enforce a set of industry standards. In 1966, for example, after feeling misrepresented in a newspaper, Perry (1982) reports that Miss Alexia Page, the principal of Wanganui Girls College, wrote a letter that summed up the rising community attitude about the need for improved press standards which came to Parliament's attention:

Surely the logical alternative to a controlled press is a press that controls itself. New Zealand needs a press council - a body that will take full professional responsibility, including disciplinary action where necessary - and no paper should be allowed to publish that is not affiliated to that council (cited in Perry, 1982, p. 5).

Government interest in the idea spurred the press proprietors's association to contact The Newspaper Society in London for information about the United Kingdom Press Council. Nevertheless, as Ian Templeton of the New Zealand Journalists' Association states, "the Press was quite united in its opposition and resistance to statutory control" (cited in Perry, 1982, p. 7).

Despite their opposition Sir Thaddeus McCarthy, a member of the Court of Appeal, investigated the management of the United Kingdom's Press Council and many of his observations of the British model came to be included in the articles of the New Zealand Press Council, which was finally established in 1972. The formation of the Council forestalled any attempt by central government to impose regulatory controls on the press industry and it therefore excluded the public demand for meaningful change in press content standards. McCarthy had accurately assessed that the greatest danger for press liberty would come from, "public hostility resulting from the excesses of the press itself, and the temptation then arising for a government to take some controlling powers" (cited in du Fresne, 1994, p. 26).

The elite status and social power of press owners had thus enabled them to resist public calls for change, preempt any government action and retain full industry control. Day argues this industry position in his historical analysis that, "press development in New Zealand is an outcome of the implementation of these two interests (the organizational and political) and the modifications each forced on the other" (1990, p.4). The alliance of these two nationally dominant organisations combining against strong public pressure meant that the potential for any change favouring community attitudes about media standards was substantially reduced. Outside of the press, examples of government dominance in early broadcasting illustrate how the possibility for such change in radio was reduced in a similar manner - for similar reasons.



## **1.2: (Case 2) Government Domination and Gatekeeping of Radio**

Indeed the impact of the government's dominant social power and its dismissal of community interest - in relation to media standards and content - form recurring themes in the early decades of radio broadcasting. The history of New Zealand broadcasting, more than the press, is littered with examples of executive authority directly interfering, restricting and eliminating any alternatives to establishment procedures and opinions. As a result radio's history also contains many conflict situations, some involving progressive community-minded broadcasters. These "gatecrasher" personalities were often subject to severe bureaucratic restraint and, on occasion, dismissal. The Reverend Colin Scrimgeour was one of the most prominent gatecrashers in the history of these media to maintain control, and to preserve the distant position of government in relation to citizens and their interests.

The government first became involved in broadcasting with the passing of the 1903 Wireless Telegraphy Act, which was said to be, "a purely protective measure to keep out commercial interests" (Hall, 1981, p. 2). The Attorney-General of that time, the Honourable Albert Pitt, is quoted as claiming, "the government intend to acquire a monopoly of this system, just in the same way as has been done in regard to telegraph lines and telephones" (cited in Hall, 1981, p. 2).

As Hall (1981) goes on to report there was considerable public debate about the intentions of this first piece of broadcast legislation, as it stifled enterprise, research and ownership. The first radio regulations came under the authority of the Post and

Telegraph Department whose officials argued that the Act's provisions were, "to protect the free flow and secrecy of official messages" although wireless experimenters were "resentful of its restrictions" (Hall, 1981, p. 3). These strict regulations contradicted a broadcasting policy report prepared by the Chief Telegraph Engineer, E. A. Shrimpton. He had stated New Zealand should adopt, "a happy medium between what was practically a free for all in the United States and the very reluctant, restrictive and almost impossible conditions imposed in England" (Day, 1994, p. 50).

In 1932 radio broadcasting officially became a state operated national service managed by a Broadcasting Board of three people who were also given the authority to impose restrictions on the private stations (Holloway, 1979). When the government abolished that Board, in 1936, radio broadcasting became a department of government and the imposition of department bureaucratic procedures directly led to greater executive interference in radio operations. The 1936 government action is considered by some to chart the nationalisation of New Zealand broadcasting.

### **Bureaucratic executive control and interference in radio services**

This has meant media critics and historians tend to align with one of two opposing poles in relation to the distinctiveness of New Zealand's experience. Hall (1981), for example, claims the New Zealand government pioneered state ownership and control of broadcasting while Watson and Shuker (1998) state that governments in many countries passed legislation making broadcasting a state monopoly. In this chapter I

want to argue instead that the distinctive factor in the development of New Zealand broadcasting may more accurately be found in the high level of government interference in programme content, in contrast to other democratic nations such as Britain and the United States.

The rigid control and restrictive actions towards broadcasters exhibited by successive New Zealand governments can be partially explained as the normal actions of such institutionalised bureaucratic organisations along the lines set out by Max Weber.

Weber studied dominant authority organisations and based his concept and analysis of “bureaucracy” on real-world observations of their actions (cited in Eldridge, 1970).

Seidman usefully summarises the concept as follows:

Bureaucratisation implies a unique administrative and social order; social institutions are organised according to a spirit of impersonality and professionalism. Bureaucratic institutions are divided into offices, each defined by a specific function and social role; offices are arranged in a hierarchical way so that there is a kind of top-down command system; individuals are assigned specific duties and authority (1994, p. 79).

This summary accurately describes how the New Zealand government set up and managed New Zealand broadcasting. In 1932, for example, the government restructured the Broadcasting Company into a Broadcasting Board to operate broadcasting as a national service. Then the government abolished the Board in 1936 to turn broadcasting into a government department with a system of broadcasting inspectors whose job was to ensure that “nothing controversial or seditious or libelous, or even coarse, was broadcast, at any rate without penalty” (Edwards, 1971, p. 56).

Radio scripts were often checked and censored before being broadcast and the inspectors also investigated complaints.

Weber's concept of "bureaucracy" also accurately describes the work regime of these broadcasting inspectors as the inspectors acted to maintain order, rationality, uniformity and consistency between people working in broadcasting so they dictated the organisation's external interactions (Gilbert, Jones, Vitalis, & Walker, 1992, p. 42). Seidman's (1994) summary also describes the inspectors's operational style:

Bureaucratic business is carried out according to a set of impersonal rules and procedures that aim to exclude personal considerations and conflicts from interfering with institutional operations. (p. 79).

Hierarchical bureaucracy and the use of top-down elite power has been evident in this chapter's description of how the government restructured broadcasting from 1932 to 1936. It will be further illustrated, through other examples in this chapter, and chapter two, that hierarchical bureaucracy structures all New Zealand radio and television services, whether public or private, due to either state ownership or state legislation controlling broadcasting's operational environment.

### **A gatecrashing broadcaster and a series of bureaucratic reactions**

The control even extended into advertising where government-appointed broadcasting inspectors were also authorised to examine breaches of the advertising regulations.

The earlier elite partnering of press owners with political interests and government had ensured advertising regulations favoured newspapers over radio in that the privately owned commercial stations could have their broadcasting licenses suspended for even

minor breaches. In June 1932 the 1ZR station lost its license for such a breach (Edwards, 1971, p. 58). The station's popular radio broadcaster, the Reverend Colin Scrimgeour responded by arranging a public protest meeting and the government later retracted the station's suspension.

This incident may at first appear to be a unique example of successful community opposition to the interfering bureaucracy of government but, in fact, it was instigated by an elite personality who held official positions. In addition to being a popular radio broadcaster, Scrimgeour was also the spokesperson for a national organisation of radio clubs representing 20,000 listeners, and the chairman of a radio station federation. This incident of community opposition was therefore not simply a citizen initiated action to pressure government but was organised by an elite status personality who was able to increase his social status and retain his position.

Through his official community service positions, Scrimgeour could call on many thousands of loyal radio listeners, and fellow broadcasters, to counter future restrictive actions by government officials against his broadcasting activities. However, any government fear of future community reactions did not protect Scrimgeour from more official interference in his broadcasts. In November 1932 the Postmaster General, Adam Hamilton, withdrew the right of the private stations to sell advertising time and announced the government would buy out the three largest stations (Edwards, 1971). This move appeared to be one calculated to damage Scrimgeour because, after the owner of 1ZR, Lewis Eady, sold his station to the government, the Broadcasting

Board refused to allow Scrimgeour to continue his regular radio broadcasts at IZR, which was now a government-owned station.

To continue broadcasting Scrimgeour was forced to buy a station of his own from the LaGloria Gramophone Company. Nevertheless, official interference in his programmes continued. On the eve of the 1935 general election his broadcast was jammed by order of the Postmaster General, Adam Hamilton (Gregory, 1985). In 1936, despite his difficult relationship with broadcasting officials, Scrimgeour was appointed Controller of the National Commercial Broadcasting Service. He continued his popular broadcasts although they were subjected to bureaucratic restrictions.

When Prime Minister Peter Fraser proposed censoring Scrimgeour's popular *Man in the Street* programmes Scrimgeour retaliated by saying he would rather stop broadcasting and would be telling his thousands of listeners why he had taken the action. Edwards (1971) reports this threat was sufficient to cause the politicians to retreat on this occasion but bureaucratic interventions continued until in March 1943 he was suspended from his Controller position for supposedly broadcasting without prior script approval (Edwards, 1971). Scrimgeour was locked out of his office on the direct orders of the Prime Minister, and a year later left to live and work successfully as a broadcaster in Australia. Scrimgeour was an unusual personality in early broadcasting because, although he held elite status positions which gave him official power, he appears to have catered to, and drawn from, community interests through his radio programmes. These programmes and his behaviour in opposing official

actions were, however, an aberration amidst governmental bureaucratic machinery that attempted to dictate how all aspects of broadcasting should perform. Scrimgeour's lack of bureaucratic conformity was nevertheless a harbinger for the future.

The bureaucratic top-down restructuring and specific programme interventions by government officials of radio services are a systematic feature throughout the first decades of television. The government's dominant social authority to structure and regulate broadcasting led to direct interference in the content of many television programmes, as well as conflicts with television employees. As with the history of radio, many of these conflicts were explicit executive actions by government executives, including Prime Ministers.

### **1.3: (Case 3) Bureaucracy and Political Gatecrashers Affect Television**

Auckland businessman Al Bell, of Bell Radio and Television Corporation, operated the first public television transmission. Bell had obtained an experimental broadcast license and in May 1957 a few hundred people in Auckland were able to view television three hours a night for three days a week (Boyd-Bell, 1985). Despite being granted a government license to broadcast Bell was viewed as a "pirate broadcaster" and a long battle ensued with government officials. Boyd-Bell (1985) reports that the Post Office changed the license frequency three times to try and stop these private broadcasts but the Bell technicians were able to modify their equipment each time. This coercive use of social and technological power by government officials continued

till the private operator was eliminated and, later, a government operated television service was established.

State operated public television started transmission on Wednesday 1st June, 1960 and, by July 1961, the government had introduced a license fee of four pounds to help fund the new service and secured its monopoly status as New Zealand's only broadcaster of television (Boyd-Bell, 1985, p. 12). In 1962, within two years of television beginning, the government used its executive power to restructure the New Zealand Broadcasting Service (NZBS) into the New Zealand Broadcasting Corporation (NZBC). The restructuring heralded an era of greater government control and operational interference.

Bureaucratic interference by officials in the internal programming and content of television services quickly became a pattern. Boyd-Bell (1985) explains how one example of official intervention in 1963 stopped a documentary being screened and the reason why:

The NZBC refused to screen a BBC interview of the anti-Gaullist former premier of France. Like the documentary *Death of a Princess* nearly 20 years later, the programme was politically sensitive, and corporation chairman Dr Llewellyn defended the decision in a radio talk reprinted in the *Listener*. He asserted that the decision had been taken independently by himself, and the director-general, but in defending the corporation's independence qualified it by admitting it could never be wholly free of the shackles of government intervention. (p. 88).

Numerous official actions restricting television programming are documented after this episode. Broadcaster Brian Edwards (1972) claims this type of official



intervention occurred because the New Zealand Broadcasting Corporation (NZBC) was secure in its monopoly, and its knowledge, that neither its employees nor the public had any other choice. He suggests the bureaucratic New Zealand Broadcasting Corporation rode roughshod over both and weathered every storm it created by simply ignoring them. Edwards (1972) also claims that some staff were summarily dismissed without reason, that producers judged audiences to be limited in their ability to understand certain content, and that programmes attracting large audiences would be rescheduled without notice. All these are actions typical of a hierarchical bureaucratically operated organisation according to Weber (1970) and Seidman (1994).

### **Political and bureaucratic interventions as products of elite social power**

Therefore, to an extent, incidents of conflict in the first decades of television can be explained as a typical by-product of bureaucratic organisations, which are closed top-down power systems that require conformity and do not allow for different viewpoints, or procedural variance. Weber (1970) explains that conflict usually occurs when a bureaucracy works to maintain its order against counter forces, usually those supporting individual freedom and innovation. This is sufficient explanation for the clashes between radio personality Colin Scrimgeour and broadcasting officials, however, conflict as a counter force to a strict bureaucratic structure does not sufficiently explain the domineering and serial interventionist nature of the many executive actions taken by government executives, such as Sir Robert Muldoon, that are documented in television's history. His media conflicts were legendary and I contend that they could only occur because they were underpinned by his elite social

status and backed by a socially dominant well-resourced organisation. Du Fresne (1994) offers a revealing summary of the actions of Muldoon and other domineering officials during the first decade of television operation:

During the latter part of the 1960s, and throughout the following decade, broadcasting journalists fought a running battle with politicians over the right to produce news bulletins and current affairs programmes free of political influence. Successive Ministers of Broadcasting were in the habit of phoning radio and television news editors to express their displeasure at items unfavourable to the government and there was a series of celebrated clashes between Sir Robert Muldoon and television journalists during Sir Robert's three terms as Prime Minister (p. 30).

None of these politicians intervening in broadcasting activities and causing conflicts appear to have accepted that there were media conventions in other countries, which were critical of such interfering behaviour. Instead they rode roughshod over the norms of news independence and attempted to use their elite social status to coercively influence media employees and their activities.

Weber's (1970) concept of conflict as a by-product of bureaucracy means such an organisation and its officials act as a stable reference so any difference must yield and adjust, usually through official domination. The same situation would appear to apply to the domineering politicians as their behaviour mimics the characteristics of bureaucratic systems. As Follett (1965) states "domination" is only one method for dealing with conflict. She explains that while domination appears easier to use in conflict situations - rather than the methods of "compromise" or "integration" - it usually does not succeed, as the conflict remains unresolved and will reappear. This result is apparent in the development of New Zealand's television services as staff,

and public, discontent, especially from political inference, is apparent throughout each decade and the same issues recur.

Muldoon's domineering behaviour in particular often initiated lengthy periods of conflict. He consistently used domination as a method of handling situations and conflict emerges as a particular by-product of Muldoon's coercive top-down behaviour. The power wielded by government, and its executives, and its bureaucratic organisation is responsible for the distinctive, undemocratic pattern of interference in television operations that was to plague it throughout its later decades just as it had during its first.

### **Continuing upheavals for television from political restructuring**

At the end of its first decade New Zealand television still lacked any long-term strategy, or goals. As in its early years, changes appeared to be mostly a result of political whim or party politics. During the next decade, the government's control of television broadcasting continued to affect its organisational structure and its executives continued to interfere in programming decisions. A request by the New Zealand Broadcasting Corporation for the government to allow a second channel took ten years to be approved. This lengthy second channel application process only ended when the new Labour government announced the proposed channel would also come under the jurisdiction of the government's New Zealand Broadcasting Corporation (Smith, 1996). The government's elite social power and existing monopoly of

television allowed it to dismiss the private applications and take control of the second channel.

When colour television was introduced in 1973 the organisation of television was once again being scrutinised and reviewed. Donald Stewart, a member of the Adam Committee on Broadcasting, confirmed the absence of long-term goals for television, and the prevalence of political interference. He stated that “policy decisions were informed by little more than short-term political gain” (Stewart cited in Moriarty, 1991, p. 9). Despite the first 15 years of television organisation featuring only one owner, the state, there was still no stability (Smith, 1996). Television organisation was continually subjected to a changing scenario of legislative frameworks with its administration reflecting the operating systems of other bureaucratic government departments. John Farnsworth describes how this style of administration operated:

The NZBC developed as a strictly hierarchical and bureaucratic organisation, with its upper echelons staffed and controlled by administrators, many of whom were drawn from radio. There was a high degree of codification present, for example, with two books of regulations to cover all aspects of procedures and operations, a strongly centralised command structure based on common notions of seniority and deference (1992, p. 194).

New Zealand television, unlike Britain, had no legislative protection or independence from political interference. Broadcasting executive Ian Cross described New Zealand television as a “battered baby” due to the amount of continual political interference and negative impacts from legislative restructuring (cited in Boyd-Bell, 1985, p. 7). The restructuring scenario that began in 1973 accurately depicts his description of television’s suffering at the hands of politicians.

## **A political gatecrasher disrupts television's organisation**

Smith reports that this scenario began when Labour's Minister for Broadcasting, Roger Douglas announced that three independent corporations were to be established - two for television and one for radio (1996, p.2). Each corporation was to have a three-person board that would be responsible to a Broadcasting Council, designed to act as a buffer between the Corporations and any future attempts at political control.

Accordingly, on 1 April 1975 the New Zealand Broadcasting Corporation ceased to exist and television services evolved into the stand alone Television One channel, and the new second channel became Television Two. Ritchie (1977) states that the political conflict surrounding this legislation was intense:

Political debate over this waxed hot and strong and the then opposition gave no ground, indicating that when they became government they would reverse the decision. The National Party gained the Treasury benches in November 1975 and within a year the Broadcasting Council was gone, replaced by a unified corporation, its component services stripped of some of their independent functions and direct responsibility to Cabinet and parliament restored (1977, p. 6).

This political reversal, however, did not satisfy the politicians. The new National government led to yet more changes, this time mostly instigated independently by Muldoon. On February 14, 1979 Ian Cross, the New Zealand Broadcasting Corporation Chairman, announced that TV One and TV2 would be amalgamated, as millions of dollars could be saved by eliminating the TV2 news service. A month later the Prime Minister, Robert Muldoon, publicly stated that one channel should be eliminated altogether. He suggested, "if we picked the best programmes out of both channels there would, in the minds of many people, be little loss" (Garbutt, 1988, p. 55). In response the Minister of Broadcasting claimed he was now considering

closing one channel but by early April 1979 Muldoon had again changed direction and was publicly saying that people were suggesting TV One should be dumped, and perhaps even the press industry could operate television services.

This see-saw of political rhetoric only ended when Muldoon finally announced the government would be applying severe cost-cutting measures to all television services rather than the proposed closure of one of the two operating channels. Muldoon's attempts to dictate the direction of broadcasting policies were repeated towards broadcasting employees. Gregory (1985) claims the politician's series of public criticisms were "often thinly-disguised threats":

Muldoon's frequently expressed criticisms of public broadcasting journalists, especially those in television, could be seen as a continuing attempt to intimidate broadcasters and to undermine their credibility in the eyes of the New Zealand electorate. For its part the corporation often displayed what appeared to be an unbecoming willingness to accommodate his wishes. . . Muldoon had also been able, with the corporation's agreement, to short-circuit the normal complaints procedure in pursuing his grievances over programme matters (p. 95).

Muldoon's actions reflect a continuous pattern of elite social power used coercively. Government and politicians, including Prime Ministers, repeatedly used dominant authority power to structure and control the operation of New Zealand television. The extent and influence of executive domination and government restructuring are a consistent theme in many reviews of television development (Boyd-Bell, 1985; Edwards, 1972; Mulgan, 1997; Gregory, 1985; Bell, 1995; Smith, 1996; Spicer et al., 1996). The next two decades, the 1980s and 1990s, reveal yet more government

restructuring and executive dominance of television services. The actions in this period were to prove even more drastic, wide-ranging and long-term in their effects.

### **Political and corporate interests combine to begin an era of deregulation**

During the 1980s the political authority, and economic ideologies of the Fourth Labour government combined to completely change the structure and operation of television services and their community relationship. Politicians and other officials linked the need for such a drastic change to a funding problem for television operation, and others to rapid changes in technology (Rennie, 1992). However, the more obvious reason was the desire of this government to privatise some areas of government responsibility, and corporatise others, in order to gain greater efficiency and financial gain from the public sector.

This change of direction for broadcasting began when a 1984 Treasury Report assessed the performance of government public enterprises, as inadequate, and blamed the institutional framework (Boston, Martin, Pallot, & Walsh, 1991, p. 30). The report used corporate business principles as the foundation for its public sector criticisms. It cited a lack of clear objectives, an operating environment marked by special assistance, lack of competition, and an absence of incentives for managerial performance (Treasury, 1984b, p. 279). A Royal Commission of Inquiry into Broadcasting in February 1985 followed the Treasury Report. The Commission's report submitted six months later highlighted the difficulties, ambiguities, conflicting interests and inherent contradictions from having a license fee and advertising mixed-

funded system for television operations - and advocated yet stronger regulations (Spicer et al., 1996, p. 9) but their advice was ignored. The government's negative reaction to this report was not surprising, as a new era of restructuring was already being proposed for all public sector organisations, including broadcasting. This era reflected an alignment of government interests with business interests in a manner similar to the beneficial alliance between the press industry and government back in the late 1800s.

This second major alliance began on 12 December 1985 when the Minister of Finance, Roger Douglas, released details of a new state process of economic management that would drastically reduce the state's involvement, and assistance to the public sector. He stated, "the essence of the problem is that the public sector needs to be adapted to meet the management needs of a modern economy" (Treasury, 1985, p.11). Douglas gave five radical principles the government would apply to all public sector organisations, including television:

- non commercial functions were to be separated from major trading "state-owned enterprises" (SOEs)
- managers expected to run the SOEs as successful businesses
- managers being given responsibility by way of performance contracts accountable to Ministers and parliament
- barriers to competition to be removed
- SOEs to be guided by appointed boards comprising members from the private sector

At this same time public television's operational stability was being constantly threatened by different issues, on different political agendas. Some examples include: the approved private third channel, National's repeated election pledge to privatise



TV2, the proposed de-commercialisation of TV One, and Labour's hidden intentions (Mayne, 1987). Television had become an even greater "political football" than past years. The power of government to impose its will was again affecting all aspects of television organisation and operation at both structural and programme levels.

Throughout this period of immense change, as in past decades, there was no public consultation about the new regulatory structure or objectives proposed for television services. Mulgan (1997) suggests the strictly controlled and rapid implementation process at the time was possibly deliberate because "politically television is regarded as the most important medium" (p. 287). Others suggest any apparent public apathy observed was possibly due to the fact that by 1984 viewers had seen television restructured so many times that the amount of political interference had damaged the organisation's credibility with its audience (Wood & Maharey, 1994; Boyd-Bell, 1985). The only active opposition came from the Maori Council and the Wellington Maori Language Board, which had placed an injunction against the transfer of broadcasting assets from the Crown to the new State Owned Enterprise, Television New Zealand (Gee, 1990).

Overseas observers regarded the extensive public sector restructuring by the Fourth Labour government as similar to the market response policy changes usually only carried out in the world's largest corporations, such as IBM (Stace & Norman, 1995, p. 2). Others said New Zealand had gone furthest along the entrepreneurial path for delivery of government services than any other country and they called the process an

experiment (Osborne & Gaebler, 1992). However, these “market response” and “experiment” conclusions by outsiders do not convey the essence of how or why these changes took place. This would require a long term assessment and understanding of the country’s regulatory environment as undertaken in this study.

The changes were, yet again, a result of the government’s dominant social power to restructure policy operational environments, including that of broadcasting, without interference or recourse to community opinion. New Zealand emerged from this period of government restructuring with the most deregulated television operational environment in the world. But this period of restructuring only converges with the many other restructurings of television, and radio, to confirm that those with the social power to dictate structure can dominate and set a regulatory pattern for the future. It also confirms the historic ability of government and politicians in New Zealand to change and control the regulatory environment of media, including any community interactions, as they desire, due to their dominant authority power and resources. This long term view and conclusion is comprehensively confirmed by a review of policies defining the media environment and the distant positioning of New Zealand citizens in relation to media authorities in the next chapter.

#### **1.4: Summary**

This review of press, radio and television development has tracked examples of the recurring dominance of elite social power through New Zealand media history. It traced the pattern through the actions of government, politicians, press owners and

broadcasting officials in diverse situations. The ability of socially dominant organisations, such as government and private media, to regulate and create policies with a widespread community impact without recourse to community consultation is clearly a consistent structural pattern. Equally evident is each elite's ability to create alliances with each other, and other socially dominant organisations, and to utilise media services to their own advantage.

The chapter reveals that engaging in dialogue with citizens, or community representatives, in order to inform media policies was not a consideration for those in charge of the development of New Zealand's press and broadcasting services and this lack of dialogue resulted at times in media content and standards inconsistent with community interests.

## **The Media Policy Landscape**

This chapter presents material from a second literature review, and series of interviews undertaken to examine whether the hypothesis revealed from the exploratory review of the historical development of press and broadcasting in chapter one - that there is a lack of public participation in the development of New Zealand's press and broadcasting policies - was replicated in the contemporary agencies and policies regulating these media. This hypothesis testing review disclosed that the current regulatory environment of press, radio and television contains a mix of government legislation; industry self-regulation; written and unwritten codes of practice, and ad hoc executive decisions. In addition, a second layer of legislative policies was discovered showing that there were many non specific media policies that could also affect the operation of press and broadcasting.

Of special interest during this second literature review were any policies designed to govern these media on behalf of the wider community and any that specifically encouraged, or allowed public participation. Finding any policies that allowed public participation was considered to be especially important as the actions of government and its executives, the lack of public debate, and the hypothesis in chapter one all combined to indicate New Zealand operates a style of representative democracy that

is more rigid than the functioning of similar democratic nations, such as Britain and the United States.

## **2.1: The objectives of this chapter**

This chapter begins by defining how public policymaking functions in relation to media, as a foundation for discussing the particular characteristics of social power evident in media regulation. It then describes legislation jointly governing the operational environments of both press and broadcasting, examines the regulatory agencies of press and broadcasting as separate cases, and concludes by reviewing the professional practice policies of these media. This chapter extends the preceeding chapter, again with considerable descriptive data, as it comprehensively seeks to affirm the hypothesis and its implications, in order to inform an action plan to resolve the hypothesis situation. The data material in this chapter reconfirms the asymmetrical and dominant social power of government and press and broadcasting authorities. As a result a number of specific connections and triangulations are made between the data in chapter one and this chapter.

This synthesis of theory and description provides added confirmation of the contention - that there is a lack of public participation in the policy-making processes of press, radio and television, even in policies with a widespread community impact, due to the elite and dominant authority power of government and media organisations controlling citizen access. Public policy methodology, a reliance on institutional in-group experts, and the role of government are all major influences regulating press, radio and

television services. However, the material in this chapter reveals the largest and most influential media policymaking institution in New Zealand to be government.

Emerging patterns in chapter one showed that New Zealand's central government considered itself the best provider of essential services including broadcasting. Another pattern of coercive actions by government led to the conclusion that official interventions in media operations were a distinctive feature of New Zealand's media development. This feature can be partially explained by the centralist pattern of government development in New Zealand society, in contrast to other nations such as America, and it was argued by some that New Zealand developed this strong system of central government "because the resources of the private sector were too scarce and fragmented" to provide essential services (McKinlay, 1990, p. 8). However, despite this justification all three media (i. e., press, radio and television) were shown to have been successfully operated first by the private sector. The government view that it was the "best provider" initiated the nationalisation of broadcasting and this action initiated a pattern of policy and executive interventions. Government dominance in broadcasting's organisation changed its structure repeatedly to reflect different ideological agendas and there are many examples of political attempts by government and politicians to restrict its operations. At the heart of all these interventions lies the government's elite and dominant social power to make, and change, policies that regulate different operational environments, including that of media.

## **2.2: The public policy process and its relationship to media operation**

Defining public policy-making highlights the elite position and influence of those in government appointed media decision-making positions, in contrast to New Zealand citizens. Various definitions of the public policy process help explain this asymmetrical situation. The most useful for this study was found to be a combination of two: “the relationship of a governmental unit to its environment” and “public policy is whatever governments choose to do or not to do” (Eyestone, 1971, p.18; Dye, 1984, p. 1). Both these definitions explaining government policymaking apply equally well to self-regulated privately owned media if reworded to state: “the relationship of an media organisation to its environment” and “public policy is whatever media organisations choose to do or not to do”.

A useful addition to these definitions is to consider the formulation of a public policy as not just a single event but a course of action that has a history and a future and that a particular concern or issues usually initiate policies. Rose (1969, p. x) recommends public policies be viewed as, “a long series of more-or-less related activities”.

Friedrich (1963) suggests that public policy always has an objective and is directed, and Anderson (1994) argues that public policy is usually the outcome of a “matter of concern” and that “demands for policy actions usually stem from problems and conflicts in the environment and are transmitted to the political system by groups, officials and others” (p.5; p. 46 respectively).

An interpretation by Anderson (1994) describes the official process and action that followed on from the public dissatisfaction expressed about the lack of a press council described in chapter one. In linking public policymaking to “concern” Anderson connects specifically to media policies as most are considered to result from a concern about the potential effects of media operation or content on a community (Dickinson, Harindranath, & Linne, 1998). Descriptive examples in chapter one also suggest that the influence of independent media organisations, and popular personalities like Scrimgeour, have been a cause of concern to different New Zealand governments. Such concerns, through further descriptive examples in this chapter, will be shown to have led directly to legislation being proposed and enacted.

Together the various definitions of public policies turn policymaking into a continuous action process designed to have precise environmental impacts. This conclusion produces a useful definition framework to assist the choice of media policies relevant to the ideas discussed in this chapter:

Media policies are an outcome of what a media authority (government or private) wants to achieve within its area of operation so policies are designed to achieve objectives, often with a long-term effect, and usually relate to an issue of concern.

This definition can also apply to elite policy alliances as illustrated by the government’s early Protection of Telegrams Act. This Act was a legislative policy designed to control incoming overseas information for security reasons but it also allowed the United Press Association to maintain a nationwide monopoly of overseas press news for almost 100 years. This symbiotic and beneficial elite relationship between government and press is revealed again in this chapter.

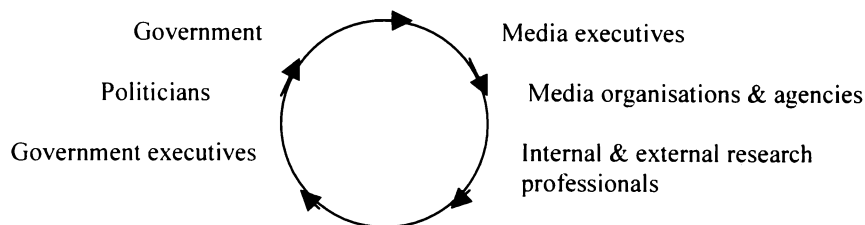


### **2.3: Coercive social power as a characteristic of media policies**

Similarly, the theories of social power underpinning the descriptive data in chapter one were found in many instances to be reflected in this chapter. Elite social power is therefore considered to have played a significant part in the development of New Zealand press and broadcasting. Again, as the concept of social power is theoretically wide-ranging I have chosen to approach the subject by considering the specific characteristics and patterns of power that emerged during this chapter's review of media regulation. The mechanisms for the use of social power in media organisation vary from the hidden to the explicit, and cover such issues as "bureaucracy", in the structure of an organisation, to "domination" used by people with "elite" status attempting to coercively change a situation. It is therefore proposed there is a strong element of coercion in the policy-making function of government towards media activity. Coercion as an element of policymaking is confirmed by The Economic Monitoring Group (1985).

Examples reveal how a coercive use of top-down social power causes the formation of in and out-groups within media policy-making. Those in elite positions are shown to control the relationship between these two groups and consequently any interaction by the community with media. The policy reviews of press, radio and television in this chapter collectively show government and media organisations dictate the policies that regulate press, and broadcasting. Together they form a dominant and elite discourse controlling the relationship of citizens to media policymaking.

In Miller and Rose (1993) Foucault's concept of "governmentality" is explained as the mechanism that legitimises such elite discourse and that it is a process of normalisation. Figure 1 illustrates those that have been shown to possess governmentality in media policy-making during this review.



**Figure 1. Elite participants invited into the media policy dialogue circle**

Citizens and the community are not considered part of the legitimate policy dialogue process as they lack the mantle of governmentality. Colin Shaw (1995), for example, confirms this situation in regard to the practice of setting of media standards. He outlines three methods to set community standards outside a broadcasting organisation, none of which include citizen representative dialogue:

The first is through the law, with legislation which prescribes the limits within which broadcasters are free to operate . . . . The second way is through the terms of the licence given to the broadcaster, whether directly by the government or by some intermediate agency acting on the government's behalf, such as the Federal Communications Commission in the USA . . . . The third way lies in judgements retrospectively made by an independent agency. The New Zealand Standards Authority is an example of such a mechanism, invested in that case with strong powers and a degree of legal authority (Shaw, 1995, p. 218).

Only government and professional experts possess the official recognition to participate in media policy dialogue and implement media procedures, practices and decisions. This is an argument used to justify the practice of "closed government", as

debate by government and its representatives “produces more rational policies, freed from public pressure, which is assumed to be irrational” (Leftwich, 1983, p. 233). The historical accounts in this thesis depict New Zealand governments as “closed” and this style of activity appears to be a continuing operational choice of all New Zealand media authorities.

Bureaucracy is the key factor contributing to the development and maintenance of this closed policy dialogue circle as it encourages an internal workforce of professionals or experts within large organisations. Seidman confirms that “bureaucracy creates a new type of worker, the official or white-collar worker, who is a technically skilled, specialised professional hired on the basis of qualifications (1994, p. 79). Discussing this emergence of professional expertise in organisations Johnson (1993) argues that Foucault fails to explain where such expertise gets “stored, produced and embodied” (p. 143). However, I contend that Foucault’s concept of governmentality fits precisely with Weber’s observations of bureaucracy as both acknowledge “the institutionalisation of expertise in the form of the professions” (Miller & Rose, 1993, p. 140).

For example, the New Zealand Broadcasting Standards Authority in its 1999 Annual Report, states an annual consultation process was initiated with major broadcasters and, under the heading “other consultation”, lists further meetings with broadcasters, “a number of tertiary institutions which offer media studies” and other agencies such as “the Race Relations Conciliator, the Commissioner for Children and the Mental

Health Commission” (pp. 4-5). The report then states the Authority’s consultation process for the next year will also involve a close liaison with the New Zealand Television Broadcasters’ Council - another elite body of professionals - but nowhere states it has, or intends to engage in any consultation process with grassroots citizens. Those without official positions or lacking links to media authorities are not consulted although they comprise the largest group of media recipients.

Bureaucracy is the force that creates the conditions that encourages the development and internal structuring of such professional expertise in large socially dominant organisations, such as government, its institutions, and media organisations and the knowledge categories of institutionalised experts are not just stored and produced in the structures and discourses of all these organisations but are also stored and embodied in their policy dialogues which seek to control their operational environments, and dismiss external influences. Consequently, the policies of the Broadcasting Standards Authority can only reflect and embody the views of the consulted in-group experts they list and their views will be institutionalised in community policies instead of those of citizens it was set up to represent. The legislation establishing the Authority will be shown to support this distancing of the community.

The experts and officials of media and research organisations form an “in-group” with a policymaking status equal to that of government while citizens and community comprise an “out-group” (Drigotas, Insko, & Schopler, 1998). In relation to the

formation of different social groups Weber discusses how such groups can either be “positively” or “negatively” charged (cited in Eldridge, 1970, p. 73). Those in institutional positions who have governmentality can be regarded as a positively charged policymaking in-group. They can also be seen to engage in internal organisational dialogue when making policies - in preference to external community inclusive dialogue - even when devising policies that have a widespread community impact. The adoption of corporate objectives for public sector organisations during the political reregulation of New Zealand broadcasting in the late 1980s increased the institutionalisation of professional expertise to the extent that policy and research experts, for example from private companies and institutions like universities, now form an arm of government in regard to media regulation. The consultation process adopted by the Broadcasting Standards Authority illustrates this situation.

The lack of public dialogue informing policies with a direct community impact due to an organisational or political preference for professional expertise is particularly apparent in the policies regulating radio and broadcast television. The exclusion of community dialogue and attention to community interests in broadcasting policies has led over the years to the formation of several activist groups (e. g., The Monitor Group, Media Aware, Children’s Television Foundation, and the Friends of Public Broadcasting). Tension between different groups, like coercion, is evident in the policy situations described in this chapter, just as it was identifiable in the development history of press, radio and television described in chapter one. Tension

between government and journalists is also a reason given for the many political attempts to legislatively control the activities of these media.

#### **2.4: (Case 1) Elite social power gives the press constitutional protection**

This review of policies regulating the press industry shows the press has experienced greater protection from government policies than other media, as a result of careful organisation alignment and social positioning. The press industry's elite social status connects symmetrically with that of government policymakers and works to either limit negative policy intentions or eliminate them altogether. John Hardingham, a former *New Zealand Herald* editor, dismisses any such privileged position for the press. He claims, "the press enjoys no special privileges" and that "under the law it possesses precisely the same rights, privileges and powers as the ordinary citizen - no more and, of course no less" (cited in du Fresne, 1994, p. 13).

This situation appears true in policies such as the Defamation Act, under which the press is no more allowed to tell malicious untruths than any individual citizen, and the Official Information Act where the press has only the same rights as ordinary citizens to access government records. But the promotion by the press industry of the importance of an independent and free press as a standard for democracy has proved to be a constitutionally beneficial alignment. This principle of a free and independent press is commemorated each year on May 3 when journalists celebrate World Press Freedom Day, established by UNESCO in 1989. Veis (2000) connects a constitutionally free press to the struggle for democracy:

An open society and fully functioning democracy make up the only environment in which the (press) watchdog can serve-and survive. But the relationship between democracy and a free press is more than that between a watchdog and his master: it is a symbiosis ensuring the survival of both (p.6).

This symbiotic relationship between political authority and the press industry in New Zealand has already been noted in chapter one and Olsen and Marger (1993) state it is a characteristic of elite social power. The relationship first emerged in 1840 after the government ordered a newspaper to stop publication and other press proprietors reacted strongly stating they had a right to publish without interference. Timothy Balding, Director-General of the World Association of Newspapers, explains that this right to publish is because “the press is or strives to be, above all the voice of the people in their continual dialogue with the centres of power in society” (2000, p. 6). This idealistic industry profile is extended to regarding press employees - working in areas of war or political unrest - as industry martyrs in a continual struggle for democracy. Balding emphasises this industry position by reporting that in 1999 a total of 71 journalists died on duty, 80 journalists remain imprisoned in 18 countries, and 103 countries still place restrictions on press freedom (2000, p. 6).

The press-political-democracy triangle is internationally accepted and given constitutional protection in many countries. In America the standard of a free press is outlined in the First Amendment of the Constitution adopted in 1791 but in New Zealand it was not until 1990, when Sir Geoffrey Palmer initiated the Bill of Rights Act, that the standard of press freedom was enshrined in legislation, as Section 14. This statute, was first invoked in 1992 when a court imposed suppression order was

overturned on the grounds that Section 14 “emphatically confirms ... the media’s right to seek and impart information and the public’s right to receive that information” (Mr Justice Thomas cited in du Fresne, 1994, p. 16).

### **Political actions and policies illustrating a desire to control the press**

The lack of constitutional press protection for so many years, combined with the government’s dominant social power to design policies for different operational environments, partially explains many of the past conflicts between journalists and politicians. However, another explanation is central government executives coercively using their elite social power against media organisations and their representatives, as described previously. These actions meant the regulatory policies examined in this chapter had, by definition, to be deliberately broad as it can be seen that the government or an executive can often decide a course of action and implement it as a “policy” approach to a matter of concern, without it becoming law. As both legislative and executive actions are backed by government social power, they can both regulate press (and broadcasting) activity, as in the following examples.

During the 1951 Auckland waterfront dispute the government imposed emergency regulations suppressing all press articles sympathetic to the striking waterfront workers or their unions. The government at this time also imposed D notices. These were memos circulated to newspapers listing subjects that were not to be published with the government citing national security as the reason for both actions.



Some later actions to control press activities took a more personal and political approach. Prime Minister Robert Muldoon banned journalist Tom Scott from his press conferences in the 1970s as he objected to Scott's writing style and political articles (du Fresne, 1994, p. 19). Reactions were vigorous and vocal but the ban continued. In 1983, Muldoon's Cabinet barred *The Dominion* from receiving any official government information. The action was designed to punish the same paper for publishing leaked confidential government documents and both parties made appeals to the New Zealand Press Council.

The Council's adjudication decision helpfully recognised the guiding policies of both parties. The Council upheld the right of newspapers to publish information received in this manner, in the public interest, and it also upheld the government's accusation that, "*The Dominion* had failed to exercise sufficient care and accuracy in reporting the material" (cited in du Fresne, 1994, p. 19). The Council in its response appears to have been guided by its symbiotic relationship with government, the need to placate a major news source and the fact the publishing of leaked material "has its qualified sanction" (Tucker, 1992, p. 201).

The press industry has successfully negotiated other restrictive government policy actions. In 1991 a proposal was made to charge journalists for their Parliamentary Press Gallery space. Newspapers reported this could be the first step to being denied parliamentary access and claimed the move was undemocratic as it restricted the public's right to know about government business (du Fresne, 1994). The government

abandoned the policy in the face of this press opposition. The introduction of the Privacy of Information Bill in 1991 also raised strong press objections. Again, after industry representations the many media references were deleted. Justice Doug Graham proposed that their inclusion was probably a result of the inevitable tension that exists between governments and journalists (cited in du Fresne, 1994, p. 20).

### **Legislation designed to interact with media activities**

There are many legislative policies that have the power to regulate the functioning of both press and broadcasting. The Defamation Act states that people are allowed “to sue a newspaper if they believe it has published information which, in the classic lawyer’s phrase, lowers their reputation in the minds of right-thinking people” (du Fresne, 1994, p. 21). This statement is open to wide interpretation. For example, in 1995 former Prime Minister David Lange took out a defamation action against the Australian publishers of *North and South* magazine after an article by political columnist Joe Atkinson criticised his performance as Prime Minister. The case was argued for five years in courts. Two appeals to the Court of Appeal and the Privy Council in London dismissed the action in favour of “the publisher’s defence of political expression” (*Waikato Times*, 2000, October 20, p. 3). Lange finally withdrew his defamation case in December 2000 stating, “the case had shown that the law was a playground of the rich” (NZPA, 2000, December 15, p. 9). Pursuing the defamation action to this stage, as an individual against a socially dominant media organisation with greater resources, had cost Lange NZ\$100,000.

While expensive courts costs can regulate the number of cases taken against the press, and restrict them to those with elite status and substantial financial resources, the significant damages allowed by the Defamation Act can also regulate media organisations. In 1983 Cabinet Minister Bill Birch was awarded NZ\$180,000 which was an amount sufficient to put the defendant newspaper out of business (du Fresne, 1994). As politicians are the most frequent plaintiffs, it would seem unlikely the government will be moved by media representations for a legislative limit on monetary damages. The design of the Defamation Act appears to favour elite status individuals and well-resourced organisations.

The policy of parliamentary privilege can also regulate media activity and appears to favour government. A number of breaches of parliamentary privilege against the press, and other media, have been upheld since 1905. Such actions can be taken, as parliament is historically a court where laws are made, so it has the authority to punish people, including the media, for what it perceives to be improper conduct towards it (Burrows, 1980, p. 311).

Other policies regulating media operation can restrict information prior to publication. For example, media can be fined for revealing information about defendants before they go to court; coroners can suppress all details of suicide cases, and Family Court proceedings and the activities of social workers cannot be investigated and publicised. Media in the late 1990s are publishing more details in these areas although there have been no policy amendments. David Edmunds, chairman of the New Zealand

Journalist's Training Organisation (NZJTO), suggests any change could be a response to increased competition in the now deregulated media market (Personal communication, 2000 April).

Both the Security Intelligence Act and the Race Relations Act have provisions that can restrict media freedom and the 1979 Crimes Amendment Act has the potential to limit media use of tape recorders. Under this act "it is an offence punishable by imprisonment for up to two years intentionally to intercept any private communication by means of a listening device" (Burrows, 1980, p. 392). There is even a provision within the 1959 Post Office Act for civil action against someone persistently using a telephone to obtain information. Even though it may be far-fetched, Burrows suggests it is possible in these situations that a court could "be persuaded that there was a necessary element of wilfulness" (1980, p. 394).

In addition to these examples there are other regulations and statutes that can be invoked against media representatives and their organisations. They range from the 1910 Indecent Publications Act and the 1976 Cinematography Films Act to the Children's and Young Person's Act, the Copyright Act and even the Consumer Information Act. All this legislation indicates a government intention to regulate media operations in a variety of policy environments but apart from the Defamation Act the only avenues available for public participation are the complaint systems of individual press and broadcasting organisations and their appeal agencies.

## **The New Zealand Press Council**

The New Zealand Press Council investigates public complaints about newspapers and other print media, although it only operates as an appeal process. The Council deals with each complaint on its own merits to compile a list of precedents or rulings to guide future appeals (Personal communication, Southworth, 2000 May). To assist editors, the Council recently published a statement of principles that can be read in conjunction with their complaint decision lists. The Council's circulation of the complaint decisions act as editorial policy guidelines.

Complaints appeals to the New Zealand Press Council cover a wide range of subjects, such as allegations of bias and inaccuracy, breaches of good taste, ethics and fairness, and the publication of offensive material (NZ Press Council, 1995). Summaries of complaint decisions are published in the Council's annual reports and full indexed transcripts are available. Newspaper publishers are required to regularly publish the complaint procedure and they publish in full any decisions awarded against them (Personal communications Southworth, 2000 May ; Edmunds, 2000 April). This self-regulation complaint system attracts comments which often describe the Council as a "toothless tiger". Tucker (1992) claims "daily newspapers have nothing to fear from the Press Council other than embarrassment, although that in itself can be considered significant" (p. 212).

In 1995, the New Zealand Press Council noted it had been involved in "600 adjudications since its inception" (NZ Press Council, 1995, p. 24). The listed

complaint cases are headlined like news items: *Case 585: A Policeman's Lot* refers to a complaint by a detective alleging biased and inaccurate reporting while *Case 588: Opossum War Out in the Open* is about an alleged breach of journalistic ethics (pp. 24-30). Comparing the number of appeals to the Council in different years shows the numbers have not increased, in spite of increased market competition. For example, in 1999 Council upheld a total of eight complaints out of a total of 75 (*Waikato Times*, 2000, April 27, p. 2). In its 1999 annual report released in April 2000 the council states:

Forty-six of the 75 complaints were adjudicated – eight being upheld, five being part upheld and 33 not being upheld. Of those that went to adjudication, 14 were against metropolitan newspapers, 14 against provincials, 10 against community newspapers, two against a weekly, one against a Sunday paper and five against magazines. The other complaints which didn't reach adjudication were either mediated, withdrawn, not followed through or were still being addressed (*Waikato Times*, 2000 April 27, p. 2).

As a comparison the *Twentieth report of the NZ Press Council* published back in 1992 stated it received 71 complaints that year of which 10 were upheld, two partly upheld, 27 not upheld, one declined, 27 lapsed and three were held over.

The New Zealand Press Council occasionally publishes guideline policies about press content. One of the first was *An Appraisal of Sex, Nudity and Related Topics in the New Zealand Press* published in 1973. This policy statement was in reaction to the large number of public complaints received during the Council's first six months. While it states that the Council has no jurisdiction to deliver a morals judgement, as the climate of public taste and opinion is "ever-changing", it reminded its press members that "good taste, in substantial degree, is a matter for editorial discretion"

(NZ Press Council, May 1973, pp. 3-6). This policy confirms editors have the authority to set policies about community standards in their media without the need to investigate community opinion to assess such ever-changing social boundaries.

There are many policies originating from a variety of legislation sources that are designed to affect broadcasting activities, as well as the press. These range from the Defamation Act, to breaches of parliamentary privilege. Like the press, broadcasting activity can be restricted by this pattern of government legislation. Where broadcasting diverges from the press is in the functioning of its regulatory appeal agency, the Broadcasting Standards Authority (BSA).

## **2.5: (Case 2) The New Zealand Broadcasting Standards Authority**

This broadcasting agency is a statutory body established by the Broadcasting Act (1989). This Act, amended in 1990, 1991, 1993 and 1996, remains the primary legislation governing state-operated television and radio (Television New Zealand and Radio New Zealand) and also private radio and television. Unlike the New Zealand Press Council, the policies and operational procedures for the Broadcasting Standards Authority (BSA), and its relationship to broadcasters, are all legislatively enshrined in the Broadcasting Act (1989). The Act outlines five main functions for the Authority:

- to receive and determine complaints;
- to publicise the complaints procedure;
- to issue advice to broadcasters about standards and ethical conduct,
- to encourage the development and observance of practice codes by broadcasters
- to conduct research into broadcasting standards.

According to one of the first Authority members the decision to establish the Broadcasting Standards Authority was a deliberate state move to retain an element of government control and public service in a newly deregulated broadcast market environment (Hardie, personal communication, 1999, September 17). Consequently, the mission statement of the Authority is ambiguous. It begins with a proactive community direction and position for the Authority but this is directly undercut by the principle of self-regulation (for broadcasters) and the need to function in a changing deregulated broadcast environment. The mission statement says the Authority is required:

To establish and maintain acceptable standards of broadcasting on all New Zealand radio and television, within the context of current social values, research and the principle of self-regulation, in a changing and deregulated industry (cited in BSA Annual Report, 1999).

The statutory Authority has four appointed members. These include a chairman, who must have a legal background (usually at barrister level) - as the Authority's complaint decisions can be taken to the High Court - and the other three members either have radio or television experience, or a strong association with broadcasting matters. Media experience for members was not originally an appointment criteria for the government body as when the Authority was formed in 1989 it was considered essential to have both grassroots community representation and a majority of women members. The then Minister of Broadcasting, Jonathon Hunt, proclaimed the Authority should have broad community representation and the majority of the members should be women, as he considered women to be the general setters of



community standards (Personal communications, Hardie, 1999, September 17; Fish, 2000, February 10).

Both Jan Hardie and Jocelyn Fish, two of the first four members of the Authority, confirm it was considered important to have grassroots community representatives as members and believe they would not be considered for appointment today. They claim the whole appointment process quickly changed to favour people with professional media experience and or a higher public profile than they possessed. In 1989 the four appointed members came from Dunedin, Christchurch, Wellington and Hamilton. In 1999, two members come from Wellington and two from Auckland.

The Authority, funded by government and a levy on broadcasters, commissions research about issues it judges to be of community concern. For example in 1998, and 1999, AC Nielsen NZ was contracted to measure public awareness of the Authority and Colmar Brunton Research carried out a survey into privacy issues, and also completed public opinion surveys about the “acceptability of language, violence and sex in broadcasting” (BSA, 1999 January; BSA, 1999 July; BSA, 1999 October respectively). The Authority distributes these research findings through a range of methods. Press releases convey result fragments to the wider community and Authority staff write up Authority decisions and research surveys as monographs for general purchase (e. g., Stace, 1998; Dickinson, Hill and Zwaga, 2000).

Occasionally, the Authority hosts a seminar or a symposium about a matter of concern and invites those considered to be interested parties. For example, in July 1991 the Authority hosted a seminar on violence with keynote speakers from overseas and New Zealand, and in May 1994 hosted a seminar titled *Power and Responsibility: Broadcasters Striking a Balance*. At a symposium in April 2000 Colmar Brunton presented the results of their research about the media habits of children aged 6-13 years (Ballard, 1994; BSA, 2000 April and July). The Authority's chief executive officer, Dr Michael Stace, says all research results and the various perspectives presented by interested parties are fully considered by the Authority members and are used to inform their decisions (Personal communication, 2000, May 9).

However, the Broadcasting Standards Authority is probably best known for its public complaint adjudication role. Like the New Zealand Press Council appeal process broadcasting complainants dissatisfied with responses from individual media organisations can appeal to the Authority within set time frames and adjudication decisions also become a list of legalistic precedents to guide future complaint decisions.

### **Rules and procedures for handling broadcasting complaints**

A key difference between the New Zealand Press Council and the Authority is that complaints to individual broadcasters, and complaint appeals, about radio and television items must relate to the Broadcasting Standards Authority's Codes of Broadcasting Practice. The present Codes for programme standards derive from those

originally compiled by the New Zealand Broadcasting Corporation in 1962. The Codes are reviewed and rewritten periodically by broadcasters and ratified by the Authority.

Radio and television broadcasters developed the first Codes to be supervised by the Authority in December 1989, without community consultation (Fish, 2000), in spite of the Broadcasting Act (1989) stating broadcasters are encouraged to engage in a consultation process when compiling the Codes. The words “The Authority shall . . . . encourage broadcasters to consult with persons having an interest in the subject-matter of those codes” is open to wide interpretation (Section 21, no. 2). The lack of consultation specificity in this legislative guideline has meant that broadcasters compile the Codes of Broadcasting Practice and then invite comments about their draft from a few media related professionals, such as media studies academics.

Initially the Broadcasting Standards Authority supervised the Codes of Practice for advertising as well as radio and television programmes. However, in 1993 an amendment (No. 2) to the Broadcasting Act (1989) introduced by the new National government transferred the supervision of advertising standards - apart from political advertising - to the Advertising Standards Authority (ASA), the industry’s self-regulatory body. The ASA later formed the Advertising Standards Complaints Board to handle public complaints. Hardie (1999) says the incoming National government advocated a policy of self-regulation and thought, “those who own the positioning of standards should maintain them”. This government attitude is reflected in the

complaint processes of press and broadcasting which both require public complainants to approach the media source subject to complaint in the first instance. The only exception to this process is a complaint about a breach of privacy by a broadcaster. Privacy cases may be made direct to the Broadcasting Standards Authority and compensation up to NZ\$5,000 can be ordered (Stace, 1998, p.12). -

Complaint appeals referred to the Broadcasting Standards Authority broadly fall into the subject categories of: good taste and decency; balance, fairness and accuracy; privacy, alcohol promotion; violence, sexism and racism (www. BSA, 1998). In 1990, during the Authority's first year of operation, it received numerous complaints about issues outside its area of jurisdiction, and outside the specified content strands of the Codes. Of the twelve complaints determined that year, two were declined, and three withdrawn (BSA, 1990 June). The Authority's first Annual Report states the adjudicated decisions included: five upheld, one upheld in part and six not upheld. Five of these first 12 complaints were for breaches of the new liquor advertising rules, three about good taste and decency, two about individual privacy, one about violence in a children's programme, and one about the inappropriate use of a female body in an advertisement.

In comparison, the 1999 Annual Report of the Broadcasting Standards Authority states it received a total of 204 formal complaints and issued 184 decisions which was an increase of 18% on the previous year (BSA, 1999). Over 80% of these complaints were about television items and 22% of the complaints were upheld or partly upheld.

For the 40 complaints totally upheld, the Authority imposed different penalty orders. These ranged from no penalty being awarded to costs having to be paid to the Crown and compensation to a complainant. In contrast to the Defamation Act the monetary penalties that can be imposed by the Authority are strictly limited. This difference indicates an uneven political approach between legislation designed to protect citizens in general, as opposed to that designed to protect elite individuals with sufficient resources to pursue defamation actions. For example, larger penalties that can impact financially on a media organisation (i. e., suspension of advertising) are rarely awarded and such penalty awards can be subjected to lengthy High Court appeals.

The Report also reveals the number of public complaints and how their complexity is increasing each year, and the Authority has a particular problem determining “good taste and decency” complaints as community standards change over time. In June 1999 the Authority still had 50 outstanding complaints to resolve and there were six appeals by broadcasters contesting Authority decisions waiting to be actioned by the High Court (BSA, 1999 June). Again, in contrast to individual citizens, the greater financial resources of these media organisations enables them to undertake court actions to appeal Authority decisions. This situation serves to confirm Lange’s statement that court action is a “playground for the rich”.

As well as being sidelined by the expert-laden consultation process of the Broadcasting Standards Authority, the community is also sidelined by the interpretations of “consultation” in the 1989 Broadcasting Act. In early 1999 the

Codes of Practice for Radio Broadcasting were reviewed and the Radio Broadcasters Association proposed “a fundamentally restructured Code” which was approved by the Authority in June 1999 (BSA, 1999). This new set of standards for radio programming “was completed without any community consultation” (Edmunds, personal communication, 2000) even though the Code is radically different to the older detailed format and simply lists a series of broad guiding principles. Television broadcasters have proposed that the Free-To-Air Television programme Code reviewed in 2000 should follow radio’s radical Codes of Practice restructuring example (see postscript).

## **2.6: Professional practice policies influencing press and broadcasting**

Media representatives are expected to observe professional practice policies, as well as comply with the standards of the New Zealand Press Council and the Codes of Practice supervised by the Broadcasting Standards Authority. The professional organisation for journalists has promoted an ethics policy for over 30 years for all journalists across all media (Tucker, 1992, p. 196). Ethics and standards for practicing journalists are voluntary, but have been standardised by the New Zealand Journalists Training Organisation (NZJTO) into an *Training in Ethics* course which is a compulsory qualification paper in all New Zealand journalism courses. The course includes the in-house policies of *The Nelson Evening Mail*, Independent News Limited and Wilson and Horton, as these are considered to be good ethics policies (Southworth, personal communication, 2000). Any ethical breach can incur disciplinary procedures. Southworth says there is provision for such breaches to be dealt with by the New

Zealand Press Council but such breaches are rare as New Zealand journalists are generally considered to act responsibly (Southworth, 2000 May; Tucker, 1992).

Press and broadcasters being able to compile their own professional practice policies (including the Codes of Broadcasting Practice), demonstrate these media have the power of self-regulation. This is because they can be seen to “control, govern or direct” their industry environment and set their own operational rule policies (Hurlburt, 2000, p. 1). The material in this review demonstrates self-regulation is the rule for broadcasters even though government power has been shown to interfere and affect their operations at times. While broadcasting has always been subject to some government imposed supervisory controls, the current broadcasting legislation and environment encourages greater internal industry control than past years. This elite control situation works to further distance the community from policy discussions.

## **2.7: Summary**

This review of policies regulating press and broadcasting charts a wide range of government legislation with the potential to restrict media activities. Tension, interventions and negotiation are all shown to be part of any media policymaking, especially between government executives and media organisations as they struggle to control their operational environments. This struggle is revealed through a series of coercive policy actions by government towards media representatives that required negotiation and official adjudication.

Citizens and community are shown to be consistently excluded from media policy dialogue and any public participation in press and broadcasting is limited to that of being either a complainant or a minority participant during subject and context specific commissioned research. The complaint systems and appeal agencies of press and broadcasting are complex, characterised by a legalistic system of rule-like precedents whilst current government policies promote media self-regulation. This has meant the operational policies and Codes of Practice for press, radio and television are discussed and compiled by media professionals. Policies defining community standards, such as “good taste and decency”, are considered by both press and broadcasting to be difficult to establish and regulate due to their changing nature. Despite this difficulty, press and broadcast agencies demonstrate they still prefer to gauge community standards either by professional judgement or by research mediated by elite experts rather than by any direct dialogue with grassroots citizens, the largest body of stakeholders with a potential interest in such standards due to their community wide impact.

The continuous increase in complaints (documented by the Broadcasting Standards Authority) about standards in broadcast television rising to 80% of all combined broadcasting complaints in 1999 reveals an underlying problem in establishing socially acceptable standards. Also, the lack of community dialogue informing such standards could be regarded as unethical organisational behaviour when public networks, like state-operated Television New Zealand and Radio New Zealand, are involved.



In conclusion, this second review chapter supports the contention that citizens and community are not consulted about media policies, even those with a widespread community impact like the “good taste and decency” Code which sets community standards for programmes screened on Free-To-Air television.

## **Managing the Research Field**

The reviews of New Zealand's press and broadcasting in chapters one and two identified a lack of public participation in their regulatory policies. This thesis proposes the situation can be resolved and shows how Citizens' Juries can act as bridges to create dialogue between media organisations and grassroots citizens. It is suggested that the use of Citizens' Juries can provide media policy-makers with representative community opinion to more accurately inform and benchmark policy decisions, especially those with a widespread community impact.

### **3.1: The research approach and rationale**

The proposal to solve the identified lack of dialogue between media policymakers and citizens is framed in the context of an "action research" programme. Action research is a research paradigm that grew out of a need for social practice to take an integrated approach across social science disciplines and it is inclusive of both hypothesis testing and problem solving response projects. It is an approach "to action" rather than a reflection about action. Kurt Lewin (1946) is credited with identifying the perspective at the end of the Second World War and defined it as an approach concerned with

“two rather different types of questions, namely the study of general laws . . . and the diagnosis of a specific situation” (cited in Eden & Huxham, 1996, p. 527). He argued that action research, because of its real-world focus, had a particular ability to both advance theory and achieve social changes. Lewin’s perspectives underpin this action research programme to create public dialogue in the action field of media regulation.

Lewin is also credited with describing the action research process. He pictures the process as a spiral of research circles. Each circle begins with a description of what is occurring in the action field followed by a period of reflection, thinking, understanding and even further learning. To move to the next step, the action plan, requires a period of exploration and a considered assessment of the possibilities and opportunities. The action plan leads to the action step which is continuously monitored. The final step in the circle is an evaluation of the plan’s effect and action on the chosen field and the reporting of the results. The evaluation step can lead to further reflection, a new action plan and the cycle begins over again.

Reflection, rethinking and replanning are essential components during each step of action research. While these can appear to be “resting steps” within an action research programme they are in reality very active phases that can lead to the redesign of a particular plan, or action, to enhance the progress of the research project. These steps of informed self-reflexive inquiry give action research the flexibility to adapt to new data, and new directions, and to produce further insights that can yield still

greater understanding later in the evaluation phase. The reflective steps throughout the progress of this study acted as stepping stones for further research ideas and clarity to link the different stages of the project. Such apparent variations from other more established modes of research inquiry can attract criticism but these can be easily countered.

### **3.2: Critical debates about action research as academic inquiry**

For instance Eden and Huxham argue that “good action research will be good science though not in a way which depends necessarily upon meeting all the tenets of traditional scientific method” (1996, p. 526). The more controlled quantitative evaluations adapted from experiments of the so-called “hard” sciences have traditionally given social practice research its validity (O’Connor, 1995). However, such strict evaluation regimes do not work as well for research programmes involving community action, citizen participation, and/or aimed at negotiating complex social change. Jenkins and Bennett suggest the scientific norm is more suited to programmes “with well-defined outcomes, limited participation, and a narrow focus” (1999, p. 23). The “scientific variation” and the complexity of action research, due to its real-world social settings and interactions, has meant serious attention has been directed at describing and classifying characteristics of the approach. Classification has become an important factor validating it as an inquiry approach. However, strict criteria classification can prove elusive due to the individual, and changing, nature of socially-based action research programmes. For example, Watling (1997) criticises a cultural

studies action research project documented by Julian Sefton-Green and David Buckingham (1997) for not adequately meeting such a validating list of criteria. In reply Sefton-Green and Buckingham (1998) suggest Watling has by the very establishment of such a criteria list - and assessing an action research project as valid or not against that criteria - veered into the more limited abstract prescription of traditional scientific methodologies.

Earlier action programme evaluators debated this same controversy. The combination of programme complexity and variability arising from research in social settings made Fairweather (1967) recommend a researcher should be in strict control of the entire operation so random changes could be avoided. Mann (1965) similarly concluded that social action settings should be eliminated entirely, in favour of only laboratory based programmes, so repeatable research components could be devised and tested. In response Weiss suggested that this “surrender to complexity and retreat to the laboratory look like a cop-out” as “in the artificiality of the laboratory, all manner of things seem to work that do not survive their brush with operating conditions” (1972, pp. 94-95).

In part these kind of debates form part of larger debates. Howarth (1998) has charted the subsequent proliferation of methodologies challenging positivist approaches in the social sciences, to account for social and political phenomena (p. 268). More specifically the monitoring and evaluation of action programmes in social settings has

substantially progressed but strains of the early criticisms still recur. These are mostly directed at the internal variability of action programmes due to changing external social conditions which cannot always be predicted through environmental scanning. The method's lack of repeatability, due to the one-off nature of many action-research projects, and some practitioners apparently using the method as an excuse for poor research work, are two specific criticisms (Eden & Huxham, 1996). Counter arguments discuss the ability of action research to produce quantities of rich descriptive data and insights and suggest this can lead to a greater variety of interesting theoretical concepts directly applicable to the social environment, than is the usual outcome of traditional approaches (Winter, 1998).

As a consequence, the adaptability of action research through its flexibly prescribed framework, has precise benefits for research in social settings, like this study, compared to other approaches. As a relative newcomer, of only 50 years, to the pool of academic inquiry such critical discussions have progressed and refined action research as a separate genre and led to the development of a comprehensive documentation trail.

### **3.3: The evolutionary development of action research practice**

One core site of documentation exists in research into education practices as education practitioners were the first to recognise the value of the action research approach. Stephen Corey (1953) was influential in introducing the method into mainstream

education practice and the bulk of early, and more contemporary, academic action research documentation still appears linked to this practice category. In the 1990s it remained a favorite of education practitioners but action fields had diversified to include topics as varied as cultural studies, organisational management, and feminist practice (Sefton-Green & Buckingham, 1997; Eden & Huxham, 1996; Gatenby & Humphries, 2000, respectively). Also, during the last decade international journals have appeared wholly devoted to action research inquiry and its practice fields, and many universities around the world have formed special agencies, in partnership with community organisations, to carry out community-based action research projects, and the inquiry method now features across disciplines. These activities all demonstrate the institutional establishment of action research, its increasing appeal as a process for social practice inquiry, and its ability to generate fresh theoretical insights.

Over the years, the interest of a variety of different topic specialists has helped to diversify the framework of the inquiry method. For example, as early as 1970, Rapoport foregrounded the ethical element of the mode of inquiry. He claimed action research “aims to contribute to the practical concerns of people in an immediate problematic situation and to the goals of social science by joint collaboration within a mutually acceptable ethical framework” (Rapoport, cited in Hopkins, 1993, p. 44). More recently Zeni (1998) discusses the different ethical problems that can arise in action research as opposed to more traditional modes of inquiry. The importance of ethics to research in a social setting is acknowledged in this study. Ethical

considerations were placed at the centre of this action research programme, especially during the planning and project management steps of the trial Citizens' Jury.

There are also authors that concentrate solely on the unique aspects of action research evaluation and the involved position of its researchers. Bowes (1996) states action research must involve explicit feedback about both the interaction between the researcher and the field as well as any changes that result from a project aimed at altering an area of existing practice (p. 2). Brown (1995) describes the manner in which an action research evaluator is taken out of the role of being a "faceless judge" and into the action while Girard (1998) terms this process "engaged evaluation" (p. 64). In line with these practices, the different steps of this action research programme involved reflective evaluation and research programme monitoring before, during, and after the actual research. This continuous evaluation engagement actively assisted succeeding research steps.

As the method has gained wider attention, various reinterpretations of Lewin's original definition of action research inquiry have also appeared. Unfortunately, these, sometimes inaccurately, include aspects of other social action inquiry methods. For example, Deshler and Ewert explain "action research as a process of systematic inquiry, in which those who are experiencing a problematic situation in a community . . . participate collaboratively with trained researchers as subjects, in deciding the focus of knowledge generation, in collecting and analyzing information, and in taking action



to manage, improve, or solve their problem situation” (1995, p. 2). This definition unhelpfully blurs the boundaries of “action research” with other inquiry methods. It is more suited to describing the practices of “participatory action research”, “collaborative research”, or “participatory inquiry”. Fals-Borda (1991) explains that the single thematic link between all these methods is “dialogue”. The importance of dialogue and community participation in this thesis was added confirmation that the action research method was the most suitable approach for this research study.

A scan of some documentation about these methods shows observers and practitioners of these other real-world social inquiry approaches have to counter the same accusations (as action research) about the “looseness” or “unscientific” nature of their approach in contrast to mainstream methodologies (Gatenby & Humphries, 2000). Consequently, though sometimes criticised, the compilation of criteria, or inquiry method characteristic lists, that accurately define and elaborate the unique perspectives of action research are both a helpful guide to an action research practitioner, and a contribution to its institutional acceptance alongside older academic inquiry traditions.

### **3.4: Defining the characteristics of an action research programme**

Three broad components are usually identifiable in any action research programme: an aim to change social behaviour; the careful documentation of the research process carried out to do so; and a research practitioner expected to have an integral presence in the research process. This combination, of real-world action, research analysis, and

an experienced involved researcher, has become more carefully diagnosed and refined in recent years as an increasing number of action research projects have been carried out across a range of disciplines and topics. This expansion of knowledge has led to the useful identification of certain characteristics against which any action research study can be compared to assess and test its own praxis validity. -

The most authoritative and detailed list produced to date has probably been compiled by Eden and Huxham (1996). They list and explain 15 characteristics they believe can assist in identifying valid action research programmes. The fact these characteristics were identified as having a particular relationship to action research involving organisations, and research practitioners with a consultancy or practice-based knowledge, makes them more applicable to this research study in preference to other lists (e. g., Kemmis & McTaggart, 2000; Watling, 1997) on less relevant areas.

Accordingly, during this study it was decided to use the list of 15 action research characteristics compiled by Eden and Huxham (1996) as a conceptual reference for the *Creating Public Dialogue* action research programme. The programme examined the application of different characteristics during the different research steps. The application order of the characteristics varied from their numbered position, and at times were combined, but used in this way the list benchmarked this research programme's validity as a rigorous example of action research methodology. In turn, this research study tests and evaluates the applicability of Eden and Huxham's 15

characteristics for an action programme based in a real-world social setting between elite media officials and community representatives. Eden and Huxham's (1996) list of 15 characteristics are quoted below, but without their explanatory discussions which they state are "crucial to a proper understanding" of each characteristic (p. 530).

### Eden and Huxham's (1996) 15 characteristics for action research

1. Action research demands an integral involvement by the researcher in an intent to change the organisation. This intent may not succeed – no change may take place as a result of the intervention – and the change may not be as intended.
2. Action research must have *some implications beyond those required for action or generation of knowledge in the domain of the project* [italics in original]. It must be possible to envisage talking about the theories developed in relation to other situations. Thus it must be clear that the results *could* inform other contexts, at least in the sense of suggesting areas for consideration.
3. As well as being usable in everyday life, action research demands *valuing theory* [italics in original], with theory elaboration and development as an explicit concern of the research process.
4. If the generality drawn out of the action research is to be expressed through the design of tools, techniques, models and method then this alone, is not enough. The basis for their design must be explicit and shown to be related to the theories which inform the design and which, in turn, are supported or developed through action research.
5. Action research will be concerned with a system of emergent theory, in which the theory develops from a synthesis of that which emerges from the data and that which emerges from the use in practice of the body of theory which informed the intervention and research intent.
6. Theory building, as a result of action research, will be incremental, moving through a cycle of developing theory to reflection to developing theory, from the particular to the general in small steps.
7. What is important for action research is not a (false) dichotomy between prescription and description, but a recognition that description will be prescription, even if implicitly so. Thus presenters of action research should be clear about

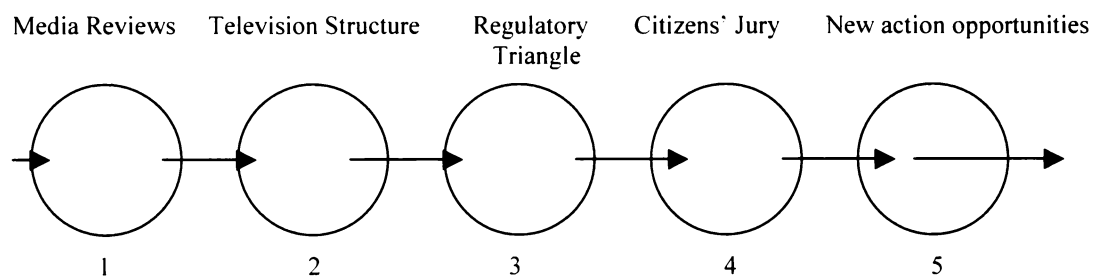
what they expect the consumer to take from it and present it with a form and style appropriate to this aim.

8. For high quality action research a high degree of systematic method and orderliness is required in reflecting about, and holding onto to, the research data and the emergent theoretical outcomes of each episode or cycle of involvement in the organization.
9. For action research, the processes of exploration of the data – rather than collection of the data – in the detecting of emergent theories and development of existing must either be replicable or, at least, capable of being explained to others.
10. The full process of action research involves a series of interconnected cycles, where writing about research outcomes at the latter stages of an action research project is an important aspect of theory exploration and development, combining the processes of explicating pre-understanding and methodical reflection to explore and develop theory formally.
11. Adhering to characteristics 1 to 10 is a necessary *but not sufficient* [italics in original] condition for the validity of action research.
12. It is difficult to justify the use of action research when the same aims can be satisfied using approaches (such as controlled experimentation or surveys) that can demonstrate the link between data and outcomes more transparently. Thus in action research, the reflection and data collection process – and hence the emergent theories – are most valuably focused on the aspects that cannot be captured by other approaches.
13. In action research, the opportunities for triangulation that do not offer themselves with other methods should be exploited fully and reported. They should be used as a dialectical device which powerfully facilitates the incremental development of theory.
14. The history and context for the intervention must be taken as critical to the interpretation of the likely range of validity and applicability of the results of action research.
15. Action research requires that the theory development which is of general value is disseminated in such a way as to be of interest to an audience wider than those integrally involved with the action and/or with the research [quoted from pp. 530-538].

Eden and Huxham (1996) add, in their review of action research, what could be a 16th characteristic, one that is particularly applicable to this thesis. They state that due to the demands of the first 14 characteristics “it is unlikely that action research can be written fully in anything shorter than a book-type format” (p. 537).

### 3.5: Creating Public Dialogue: an action research programme

The structural flow and contents of this thesis follows the directional cycles of an action research programme. Each action step in the research cycles produced a different set of research questions or options. The first question requiring an answer was simply: Which action field to consider? Reflection about media regulation as a possible topic led to extensive literature reviews of historical material about the development of press, radio and television services in New Zealand. This decision established the first of the action research cycles (see Figure 2).



**Figure 2. Creating Public Dialogue: Action Research Cycles**

The decision, to examine these three mass media, may seem an anachronism in an era when other media (e. g., magazines, periodicals, comic books, films) and especially

“new media”, appear to have a brighter profile but were deliberately excluded. The exclusion is justifiable on three main grounds: Firstly because the new media have a more niche development and content compared to the mass domestic audiences of press and broadcasting; secondly, because my own life experience and values were already implicated in the research process (and through reflection were seen to be partially guiding the outcome); and thirdly, to keep the thesis within a manageable scope. My own practical experience of press, radio and television, allied to practitioner knowledge of communications and project management, and an awareness of past insider and outsider debates about the organisation of media made my own judgement and values an intimate part of the research action field. In confirming the impact of practitioner knowledge and experience on an action research field, Whitehead (1993) suggests that the very beginning of action research arises from the question: “How do I live my values more fully in my practice?” (p. 2). As an integrally involved researcher, I found this to be true. The connection between the descriptive action field media material and the action plan - to create dialogue between citizens and television policymakers - both connected with my practice knowledge and values.

### **3.6: Exploring the action field and the resulting hypothesis**

The initial exploratory literature reviews of press and broadcasting revealed a comprehensive historic and contemporary lack of public participation in New Zealand media decision-making. Chapter one identified how government, media

organisations, and their officials, used their power, as gatekeepers and collaborators, to limit public participation in, and dialogue about, decisions and policies. To further explore and gain confirmation of this asymmetrical social power relationship and policy dialogue situation a second exploratory literature review and series of interviews were carried out. Chapter two contains descriptive material about legislation, policies and agencies regulating press and broadcasting. The results of this hypothesis testing process proved to be a thematic continuation of the material in chapter one while also revealing the possibility the situation could be resolved with further investigations. Both chapters examine the situation through narrative representation, which is generally agreed to be the intentional construction of a sequence of events to formulate an outcome (Czarniawska, 1998; Barthes, 1997; Reissman, 1993).

Using this descriptive approach, and separate case studies of each media, the thesis's action research exploratory steps were able to include many different historical and contemporary voices in support of its hypothesis of a systematic lack of dialogue between media policy-makers and citizens. The approach also clarified the political dynamics of who gets to participate in policy discussions, and who does not, as well as providing illustrative material on those that have held, and still hold, the social power to structure New Zealand's media policies.

The results led to an appraisal survey of various theoretical perspectives of social power to locate the best explanatory fit for the themes and patterns that emerged from these media reviews. While there are a vast number of authors, interpretations and analyses about social power the best match for the social phenomena in the descriptive media material prescribing the hypothesis was provided by Olsen and Marger (1993). Accordingly, only fleeting reference is made to other authors and their views compared to that of Olsen and Marger's (1993) analysis of elite social power and its characteristics.

### **3.7: The structure and directional flow of this thesis**

The research programme opens with this prescribing descriptive information, in preference to others. This is because Fals Borda (1979), and other action research experts, argue that the intention to change a practice - in this case media policy consultation practice - requires a thorough investigation of its reality. In this thesis a thorough investigation was undertaken into media practices and their relation to citizens and community. Kemmins and McTaggart (2000) describe how descriptions of such investigative processes are normally positioned, in relation to methodology issues, in an action research programme:

There are writers of action research who prefer to move immediately from a general description of the action research process (especially the self-reflexive spiral) to questions of methodology and research technique – a discussion of the ways and means for collecting data in different social and educational settings (p. 599).



However, they argue that this methodologically driven approach is not what makes action research “research” and that it can constrain a programme so it lacks the rich and multifaceted “social, historical and discursive construction” (Kemmins & McTaggart, 2000, p. 599) unique to action research. Accordingly, in line with these descriptions of such an approach as best practice action research, this thesis opens with reviews that include substantial historical material and pursues a multifaceted and interdisciplinary critical approach to theorising and analysing the descriptive data prescribing the action setting.

The decision to engage in a research programme focused on social change came about after a period of critical reflection on the descriptive historical material. Kemmins and McTaggart explain action research is often a result of such a process and that this can lead to “how in practice, things might be changed” (2000, p. 573) and state that a multifaceted approach is the only way such a study can be appropriately justified. In taking such a multifaceted theoretical approach with an existential edge, action research is open, however unwarranted, to academic criticisms of activism and theoretical naivete. Nevertheless action research, and its associated inquiry methods, often challenge the narrow perspectives of conventional social research through their ability to articulate a common sense view of theories in action. Indeed, the praxis-orientation of action research is considered by some to be a rejuvenating force for universities as it encourages the involvement of “creative, critical and analytical professionals with a broad and independent understanding of society at large”

(Greenwood & Levin, 2000, p. 86).

Greenwood and Levin (2000) further argue that if the social sciences are to produce social research that is functionally relevant to the external community the present conceptual boundaries need to be dissolved. They do not just propose a moral superiority for action research but claim that action research should replace traditional social science practices:

Central to our argument is the claim that action research creates the valid knowledge, theoretical development, and social improvements that the conventional social sciences have promised. Action research does better what academic social science claims to do (Greenwood & Levin, 2000, p. 87).

In the context of this study the action research approach has already demonstrated it can “uncover” or “unmask hidden forces” in situations “and illuminate and clarify interconnections and tensions between elements of a setting” (Kemmis & McTaggart, 2000, p. 573). By engaging in these initial processes in chapters one and two, the thesis identified an action site for social transformation.

### **3.8: Television as the action site for a change in organisational practice**

The directional hypothesis that there is a historic lack of public participation in television policies, even those with a widespread community impact, along with the many implications of that medium, especially in relation to issues of domestic audience size, regulation, politics and research in relation to community (outlined in chapter two) made broadcast television the more obvious focus, in contrast to press

and radio, for an action plan aimed at organisational change. Other factors contributing to this decision were the nationwide disgruntlement about television organisation over the decades, the on-going level of public frustration about its operational goals, and its repeated restructuring by successive governments which are all related in chapter one. The emergent action field hypothesis had been confirmed by the review of the regulatory environment for New Zealand's press and broadcasting described in chapter two.

In addition the descriptive material from both chapters one and two identified how British and American regulatory principles were entwined in the structures of New Zealand's press and broadcasting. This inter-nation mix was first proposed as a suitable model for New Zealand broadcasting in the policy report prepared by E. A. Shrimpton, back in 1903. At that time the proposal was rejected. Decades later the press industry and broadcasting both adopted British regulatory models and principles (e. g., their public complaint agencies). However, it was only in the 1990s, when government market force policies became fully operational, that the inter-nation model became most transparent. The impact of these two overseas regulatory regimes is clearly visible in the structural organisation of the two publicly owned Free-To-Air broadcast television channels of Television New Zealand (TVNZ). The British and American influences are now both well mixed in New Zealand broadcast television and the situation emerges as a "regulatory triangle". This triangulation of television regulatory models is discussed in chapter four.

The discussion is supported by information gathered during interviews with officials working for public and commercial television, as well as executives with television regulation agencies in Britain and America. Further material, informing chapters two and four, was gathered from interviews with both academic and professional researchers in media related positions and agencies in these two countries. These were supplemented through interviews with a number of television executives and government appointed officials in New Zealand.

### **3.9: Bridging the divide between television policymakers and citizens**

The study of broadcast television stimulated the decision to actively demonstrate a solution to the lack of public participation in media policymaking. Chapter two's review of television regulation pointed to an appropriate area of public policy: The Codes of Practice for Free-To-Air Television supervised by the New Zealand Broadcasting Standards Authority. The Codes, which dictate such community standards as "good taste and decency" for on-air programme content, were chosen for four reasons:

1. The Broadcasting Act (1989) encourages broadcasters to engage in a consultation process when the Codes are periodically reviewed
2. The Codes for programme standards are stated to be a problematic policy area due to ever-changing social standards
3. The Codes have a widespread community impact
4. The Codes were due for review by television broadcasters in the Year 2000

The Codes of Practice compiled by television broadcasters and the operation of the Codes by the Broadcasting Standards Authority are discussed in chapter two. As one of the most problematic, the “good taste and decency” Code was chosen to be the sample policy topic for a trial Citizens’ Jury designed to engage television policy-makers and citizens in symmetrical consultative dialogue. In a case study of the Citizens’ Jury method in chapter five the dialogue method’s origins are traced from Ancient Greece to its current status and use in international contexts. Since New Zealand media organisations are ignoring these practices, and their resulting organisational benefits, the chapter begins with a review of public participation and public consultation practice in New Zealand.

Chapter six contains details of the complex management arrangements required to construct a theoretically sound three-day Citizens’ Jury action project. A summary of the Waikato Citizens’ Jury project held from Friday 2 July to Sunday 4 July 1999 is provided in chapter seven. The summary includes brief details about each of the agenda sessions including the content of each expert presentation and comments and questions from Jury members. The results and evaluation of the Waikato Citizens’ Jury are discussed separately in chapter eight. The EPPT (Equal Preparation Participation Time) code, generated by the Jury event to enhance public consultation practice, is also explained in this chapter.

In chapter nine, a concluding assessment is made about the historic and contemporary actions of television, and other media, policymakers towards their largest stake-holder group, the community. This assessment argues that New Zealand governments and media authorities have consistently employed a practice of “institutional NIMBYism” [Not In My Back Yard] towards public participation and the inclusion of citizen dialogue in community related policies. This assessment is both determined and justified by the long-term review of their activities in this research study. A number of contributions arising from this action research programme, along with their limitations, are also discussed in this final chapter.

A postscript section has been added to cover a number of recent developments relating to issues discussed in the research programme. This section also contains details of a second Jury event held on 8 July 2000 to gather a group of citizens’s opinions about the current rewrite of the Codes of Practice for Free-To-Air television. The Waikato jurors discussed the draft document and made a number of comments that were forwarded by this researcher on their behalf to the New Zealand Television Broadcasters’ Council. Significantly the Council had compiled the draft without any grassroots community dialogue. The postscript also updates the action research field of media regulation, as the Labour-Alliance coalition government has proposed major changes to the organisation of broadcasting and the programming direction of the Television New Zealand network.

Like the opening preface the postscript communicates some reflections about the research process. These preface and postscript sections are designed to show that “an appropriate degree of reflection” by the researcher was part of this action research programme (Eden & Huxham, 1996, p. 534). Also, stated in the preface, both these sections are deliberately included because Eden and Huxham (1996) suggest best practice action research “must include some means of recording both the reflection itself and the method for reflection” as action research demands a high degree of “self-awareness” (p. 533) by a researcher. Together these two dialogue sections demonstrate how reflection and self-awareness formed an integral part of this action research inquiry process.

### **3.10: Summary**

This chapter reviews and discusses action research as a method of inquiry and practice for research in a social setting intended to address a complex problem situation and initiate organisational change. It shows how the action research method is the best approach to theoretically frame this study through a discussion of the emergence of the action research method, its theoretical evolution, and some of its critical dialogues. Particular attention is paid to Eden and Huxham’s (1996) 15 characteristics of action research as a means of testing the project as conforming to valid action research. In addition the thesis research confirms the ongoing relevance of the list of characteristics in the course of a specific action research programme (although it is accepted that this process has a degree of circularity). Nevertheless, this action

research programme already “recognises that description is prescription” by the descriptive review material in chapters one and two prescribing the hypothesis, and the topic for the action plan project. (See Figure 2.)

Other listed action research characteristics are embedded in the opening chapters. The “integral involvement” of the researcher in an “intention to change an organisation” is present, as is a “systematic and orderly” (Eden & Huxham, 1996, pp. 530-538) linkage between early data results with later findings (e. g., the 1903 proposed inter-nation broadcasting triangle emerging in the 1990s). In addition, a process of “theory elaboration” has been initiated as a part of the early research investigations, the research design is shown to relate to the action plan and the inquiry theories that inform the design and, finally, reflections by the researcher are shown to be an integral part of the research process.



## **A Triangle of Regulatory Influences**

This chapter explores influences from Britain and America in the regulation of New Zealand television elaborating on information revealed in chapters one and two. This research direction was a deliberate action step taken towards solving the lack of public dialogue informing New Zealand television policies. An international strategy was chosen as the historical reviews of New Zealand press and broadcasting disclosed that their officials had found solutions to policy dilemmas overseas, usually in Britain. This pattern was so consistent I thought it highly probable a similar result could occur if a similar approach was undertaken.

### **4.1: The orientation and structure of this chapter**

At the heart of this international research strategy was the decision to find a suitable symmetrical consultation method to demonstrate to New Zealand television policymakers. Locating such a method would enable citizen opinion to be gathered to inform problematic policies like the “good taste and decency” Code of Broadcasting Practice for Free-To-Air television. I also thought finding such a method could resolve not just the historic lack of public dialogue informing this particular community policy but potentially open a new era of public debate, documented by

many as being absent in the New Zealand community (Thompson, 2000; Chatterjee, Conway, Dalziel, Eichbaum, Harris, Philpott & Shaw, 1999; Hayward, 1997; Smith, 1996; Vowles & Aimer, 1993).

The overseas information is structured as two case studies. The first describes the philosophy and practice of the American competitive market model for broadcasting and the second describes the British public service tradition. Much of the information was collected during research visits to Britain and America. To explore both these national regulatory systems in detail was not the purpose of this action step. The British and American material was chosen as it connected with the New Zealand information in the research programme and the action plan - to resolve the lack of public participation in media policies that have a widespread community impact - which is at the core of this thesis. The case material is also used to benchmark the New Zealand model of television broadcasting in order to make an assessment about the evolutionary pathway of New Zealand broadcasting.

The case material is therefore “instrumental”, like in chapter one, as it is used to facilitate understanding of something else and the two different national broadcasting regimes are only of “secondary interest” (Stake, 2000, p. 437). Similarly, just as the case studies in chapter one supported the use of asymmetrical social power in New Zealand’s media development, those in this chapter describe aspects of British and American broadcasting to draw conclusions about policies informing New Zealand broadcasting. They were also a strategy to locate a solution to the thesis problem.

Like the descriptive information in chapter two, the information material in this chapter is an action research step to “explicate pre-understandings” in preceding chapters and to elaborate theory (Eden & Huxham, 1996, p. 537). The validity of this step is confirmed by Elden and Chisolm (1993). They advise action research should be always concerned about what could be, rather than what is. Accordingly, as in proceeding chapters, the information in this chapter is prescribed by the preceding chapters, and is prescribing the next action step which is related in chapter five.

The chapter begins by determining the mix of overseas influences in New Zealand television broadcasting and discusses factors found to be limiting public participation in media decision-making. The American and British traditions of regulating television are then separately examined and the chapter ends with a concluding insight about New Zealand’s tradition of broadcasting informed both by the overseas reviews in this chapter and the local reviews in chapters one and two.

#### **4.2: A triangle of influences in New Zealand television**

New Zealand media regulation is a mix of local and imported socioeconomic ideas. The reviews of New Zealand press and broadcasting development, related in chapters one and two, revealed policies and operational functions copied from British and American media models and principles. For example, the press industry thoroughly investigated the British Press Council before copying its design and procedures and both radio and television were initially private for-profit enterprises, like those of America, until government initiatives (e.g. nationalisation and content control policies)

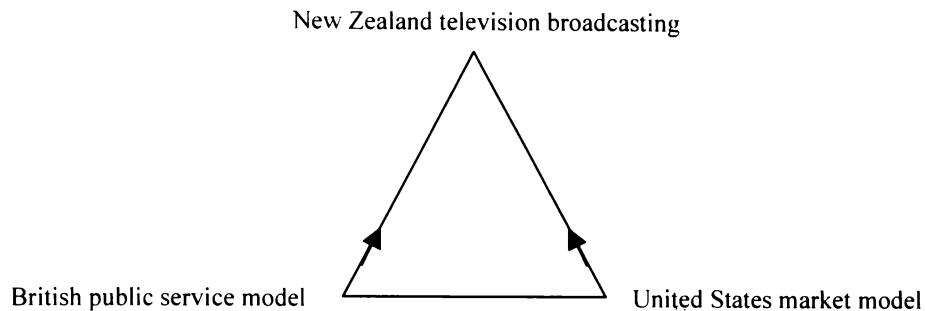
transformed their operation with principles copied from the British Broadcasting Corporation (BBC).

However, unlike Britain or America, New Zealand has only ever had commercially operated television services despite government quickly applying a public license fee levy in July 1960, one month after public transmissions began. Boyd-Bell (1985) explains that while the license fee was introduced to assist with operating costs it was really a mechanism to gauge audience numbers for commercial broadcasts. He reports that by early 1961, within a year of television beginning, up to 72 commercials were being broadcast in any four-hour period of Saturday night viewing (p. 76).

Some recent policy actions have enhanced this American market trend within New Zealand's television organisation, in spite of a continuing political and administrative adherence to public service related principles. For instance, the Broadcasting Act (1989) and the abolition of the public license fee levy, by the Labour-Alliance government in July 2000. These actions respectively encouraged greater self-regulation by broadcasters and eliminated the continuing anomaly of a public fee levy in an era promoting minimal regulation and market competition for broadcasting while the establishment of the Broadcasting Standards Authority is a beacon institution of public service tradition.

This inter-nation mix of operating principles, particularly evident in publicly owned television services, emerges as a triangle of influences. Figure 3 illustrates the

decades long flow of British and American regulatory concepts into the New Zealand model.



**Figure 3. The triangulation of influences in New Zealand television.**

The extensive historical reviews exposed this regulatory triangle, as well as the lack of public dialogue informing television standards policies. Harvey (1998) confirms this mix of influences can appear. She states there can be different “capitalist roads rooted in different histories and cultures that deeply affect the organisation and content of the media” (Harvey, 1998, p. 535). Harvey also points out that long-term reviews, as in this research programme, are necessary if any assessments of media activity are to be made. The lengthy reviews of New Zealand’s media development described in chapters one and two revealed the pattern of British and American socioeconomic influences in New Zealand’s media policies, and the consistent lack of public dialogue informing those policies.

#### **4.3: Factors influencing television regulation and citizen dialogue**

A lack of genuine public debate or representation persists in policies regulating broadcast television despite its regulation being a hot topic of discussion in New

Zealand and overseas in recent years, mostly due to changing delivery technology and systems's convergence (e. g., Hobbs, 2000 July 6; Thomas, 2000; Whittle, 1998).

This situation suggests dialogue with citizens has long been considered irrelevant, in comparison to the opinions of those positively charged by governmentality.

Critics over the years have commented about this lack of dialogue between New Zealand broadcasters and citizens. Wilson (1946) claimed this situation resulted in programmes being produced for an audience that was a “nonexistent abstraction” due to a complete absence of any public opinion research while Mackay (1953) asserted that “nowhere else in the English speaking world was broadcasting so rigidly controlled” by its bureaucrats (pp. 12-13; p. 21 respectively). Examples in chapter two illustrated media regulation is still considered a task fit only for consultation by experts. These expert discussions tend to float above communities and are only sometimes downloaded in simplistic fragments in news items, mediated by other elite experts. The views of citizens in whose community television technologies operate, and in whose homes they are received, are excluded from such discussions.

Reasons often cited for this situation include comments that policy issues are “complex” and “the rubrics under which media regulation are now being considered are significantly different” (Turner, 2000, p. 1) to those of the past. However, these reasons do not stand up to scrutiny. In fact the past is influencing current television regulation to such an extent that the policies being formulated often remain no different to past decades. A report published by the New Zealand Planning Council

discussing the formulation of regulation describes how past policies, rather than complexity, continue to influence present policies:

It would seem important to give serious attention to the way in which regulation comes about, and in particular, to bear in mind its historical elements. Very often rules will have been made in response to some past problem or circumstance. But circumstances change over time, as does the meaning or relevance of the rules, although the rules themselves alter little, if at all .... There is a natural instinct to favour what is familiar and to avoid risk, and this adds up to a powerful body of influence resisting major change (Economic Monitoring Group, 1985, p. 5).

In regard to New Zealand media regulation, two motivating factors can still be clearly discerned today, as in past decades. The first is the struggle by media organisations to achieve and maintain commercially competitive positions, and the second the political philosophies and economic policies of central government. A third but less dominant factor is the view that television technology has special powers due to its ability to communicate to mass audiences in domestic environments (Kunkel, 1998; Barnouw, 1998; Gauntlet, 1995; Biocca, 1991; Seiter, Borchers, Hreutzner, & Worth, 1989; Lodziak, 1986; Minow, 1964).

In a paper outlining the Labour-Alliance government's broadcasting policies the power of television is a reason given for the government's involvement. Such an argument is perhaps based not so much on technology ownership, or television's attractive communication ability, as the knowledge that in any average home people watch it for hours each day (Krattenmaker & Lucas, 1994). Political views about television being a powerful communication medium also influence its regulation:

Broadcast media are uniquely pervasive: they have the potential to reflect and explore every aspect of a nation's life and thus contribute to the shaping of its identity. They can exert a powerful influence on the kinds of information readily available to its citizens, helping, for better or worse, to shape opinion and condition perceptions. They have an unparalleled capacity to provide a *shared* experience, make minority voices heard and through programme selection and exposure, influence the agenda of topics and issues which is presented for the attention and consideration of the public (Minister of Broadcasting, Hon Marian Hobbs, 2000, July 6).

This government attitude can be traced back decades to early studies examining the power of mass communication (i. e., McLuhan, 1968; Lasswell, 1948; Blumer, 1939), and forward into studies covering every branch of the media landscape from psychological effects research, advertising and culture, to the impact of cross-media ownership, and public interest conflicts arising from media profit maximisation and commercialism (Jesson, 1999; McGregor, 1999; Mulgan 1997; Wood & Maharey, 1994; Zanker, 1993).

Another influence in television organisation and regulation is “the history and culture” of different societies (Harvey, 1998; Mills & Simmons, 1995). Consequently, the principles and cultural forcefields behind television regulation in Britain and America are quite different and these inherent differences explain many of the contradictions within the historic and contemporary policy mix regulating New Zealand television broadcasting. In investigating this regulatory mix, the thesis suggests that one set of possible origins for the lack of public dialogue identified in New Zealand media policies lies in the commercialism and emphasis on governmentality and



managerialism in New Zealand so that broadcast television works to exclude public participation in policies, as it does in America.

#### **4.4: (Case 1) American Television, A Competitive Market Commodity**

An elite business-political partnership defines and motivates the regulation of American broadcasting, especially television. The setting for the first public television transmission in America illustrates the importance of this partnership. In April 1927 the US Secretary of Commerce, Herbert Hoover, delivered a speech in Washington to an “invited audience of business executives, bankers and newspaper editors” in New York (McQueen, 1998, p. 13). This elite broadcast by a government executive to business executives transmitted by the American Telephone and Telegraph Company (AT&T) illustrates the market philosophy that began, and continues to underpin the regulation of television in America. Indeed, the successful commercial development of television as a commodity is even credited with assisting the growth of America’s economy after World War II. Browne explains this commodity attitude towards television in America:

For a fee, television delivers audiences, measured in thousands, to advertisers. That is, the business of television is showing ads to audiences. To attract viewers for the ads, the networks contract with program suppliers for the rights to distribute programs on their systems . . . . The popularity of a program, its ratings as measured by the Nielsen Television Index, determines the fee that an advertiser can be charged . . . . Nielsen advertises itself: “The Industry Standard for Buying, Selling, Planning, and Programming National Television” (1989, p. 71).

## **The American regulatory pattern for broadcast television**

In the United States the regulatory environment for television broadcasting reflects this commercial use of the medium. For example, the Mass Media Bureau (MMB) which regulates television and radio stations in the United States is one of six divisions within the Federal Communications Commission (FCC website, April 1998). However, in contrast to television regulation in New Zealand, this American government bureau, like the other FCC bureaux, is only concerned with technical conditions such as the issuing of broadcast licenses and the investigation and supervision of those license conditions. The FCC does not “generally” govern programming standards though there are now three FCC rules for “restrictions on indecent programming, limits on the number of commercials aired during children’s programming, and rules involving candidates for public office” (FCC website homepage, 1998).

Minow claims the FCC has little power over broadcasting activity and is influenced by political realities (cited in Krasnow & Longley, 1973). This former chairman of the FCC also claims that while the FCC may initiate policy, Congress, broadcasters and their powerful business friends determine the fate of such policies. All FCC rule proposals are submitted to lengthy scrutiny. This scrutiny includes registering proposals as public notices, and a process of hearings and testimony from widely diverse interested parties, sometimes in different States, which can be similar to a defended court case (Condry, 1989).

Although the FCC regards both operators and users of television services as its customers, any mention of the FCC or the Mass Media Bureau performing in the public interest is strictly limited to ensuring there is interference-free transmission of broadcasting (FCC website, 1998). Customer complaints are invited but only about transmission difficulties. The First Amendment of the American Constitution is deemed to be responsible for prohibiting “government intervention with regard to most of the content of television” (Condry, 1989, p. 229).

### **Legislation protects the voluntary nature of television practice codes**

The National Association of Broadcasters (NAB) invokes the First Amendment of the American Constitution to emphasise the voluntary nature of its Codes of Broadcasting Practice:

Both NAB and the stations it represents respect and defend the individual broadcaster’s First Amendment rights to select and present programming according to its individual assessment of the desires and expectations of its audiences and of the public interests (NAB website, 1999, p. 3).

In 1999 the NAB board of directors adopted a Statement of Principles to act as a guideline for the commercial radio and television stations it represents (NAB website, 1999). The Statement broadly covers issues relating to children’s programmes, on-screen violence, drug use, and sexually orientated material. It also confirms the voluntary self-regulatory nature of the American industry’s broadcasting standards:

This statement of principles is of necessity general and advisory rather than specific and restrictive. There will be no interpretation or enforcement of these principles by NAB or others. They are not intended to establish new criteria for programming decisions, but rather to reflect generally-accepted practices of America’s radio and television programmers . . . . Specific standards and their

applications and interpretations remain within the sole discretion of the individual television or radio licensee (NAB website, 1999, p. 3-4).

This 1999 Statement of Principles is the latest version of the Code of Good Practice first adopted by National Association of Broadcasters in 1929. This first Code was initially formulated to demonstrate responsible industry self-regulation was “the best alternative to government regulation” (Limburg, 1994, p. 50). This action and intention is reflected in the actions of the New Zealand press industry when it established the Press Council and the independent ability of the New Zealand Television Broadcasters’ Council to set programme standards’s codes.

The first NAB Code mainly regulated the amount of advertising. The Code had eight rules with four to control advertising. However, in spite of these industry rules the advertising minuteage per hour substantially increased over the years. Minow says the FCC supported an enforcement of NAB’s rules on advertising limits but Congress’s House of Representatives made it clear the FCC should not get involved in the issue (cited in Krasnow & Longley, 1973). A similar situation happened in New Zealand. Advertising minutes per hour first substantially increased outside voluntary industry rules in 1961 but though there was an investigation by the Minister of Broadcasting no rule enforcement took place (Boyd-Bell, 1985).

Decades later, in the 1980s and 1990s, excess commercial increases produced complaints from members of the advertising industry in both countries. They argued that their commercials were less visible due to the clutter caused by the multiple

advertisements in each commercial segment (Limburg, 1994; Zanker, 1993). In contrast to these industry complainants “viewers in America have nowhere to complain” (Kunkel, personal communication, 1999, October 26). This is a major difference to television regulation in both Britain and New Zealand.

### **Assessing community standards for American television**

The lack of broadcasting institutions to represent the interests of American citizens and administer programme complaints has led to the growth of activist groups and a thriving media research industry. In America over \$50 million is spent annually on television related research to investigate a variety of media trends and issues, especially those related to children and mental health (Vogel, 1994). These research studies are usually industry commissions or carried out independently, often by academics, and funded by large charitable foundations.

For example, a group of Californian based university researchers, Kunkel, Farinola, Cope, Donnerstein, Biely and Zwarum (1998), carried out a two-year study to assess the television industry’s use of V chip ratings funded by one such Foundation. The Henry J. Kaiser Family Foundation has an Entertainment, Media and Public Health Programme specifically “established to examine the impact of entertainment media in society, and to work with the entertainment industry, researchers and policymakers on important public health issues” (see Kaiser Family Foundation Report in Kunkel et al., 1998). This research group’s study follows a lengthy American-based research tradition into the effects of television content, particularly screen violence on public

health. Over the years such studies have concluded that “exposure to televised violence contributes to aggressive attitudes and behaviours, to desensitization to the victims of violence, and to increased fear among children” (Kunkel et al., 1998, p. 3). However, despite these conclusions, and the FCC adopting the V-chip censor system in 1997, there is no industry consensus or action on such issues, due to the self-regulatory nature of the American television industry.

In America it is television industry officials, programmers and advertiser interest that establish viewer interests. Their authority flows from the free-market cultural and economic policies of government. Browne (1998) defines the commercial philosophy and regulation of American television in relation to community. He states that television in America “is a discourse conducted in the name of the audience but-through the medium of money-it proceeds on the power of the corporation and the authority of its commodity” (1998, p. 74). The American system for regulating television excludes public dialogue at any organisational level and those promoting industry issues or policies on a community’s behalf are those who could be considered to have either elite bureaucratic or expert in-group positions, in comparison to citizen viewers.

Corporate business attitudes, elite relationships between industry members and politicians, and a competitive market constitutional philosophy combine to not just exclude citizen dialogue, but position citizens as consumers and television as a commodity. These conclusions about American television are reflected in the current

organisation of New Zealand television. A review of television regulation and operations in America revealed no pattern of public participation or avenue for community representation. The Codes of Practice operated by the National Association of Broadcasters also revealed no commitment to engage in citizen dialogue to inform these policies.

#### **4.5: (Case 2) The Public Service Tradition of British Television**

In contrast to American television regulation in Britain is founded on a long tradition of public service principles that are embedded in all broadcasting structures and operations, both non-commercial and commercial. These principles were first espoused by Lord John Reith, the first Director-General of the British Broadcasting Corporation (BBC), in a manifesto to the Crawford Committee in 1925 (McQueen, 1998, p. 199). Reith thought that the commercial operation of broadcasting would mean the pursuit of trivial entertainment which would be “an insult to the character and intelligence of the public” (cited in Juneau, 1997, p.12). The Reith ideal of public service linked broadcasting to the public deliberation ideals espoused by the press industry.

The BBC derives its status from a Royal Charter and Agreement, granted in 1924, which set out its purposes and powers (BBC, 1997). Consequently, two characteristics - public service and editorial independence - still underpin the role of the BBC. The Charter made the broadcasting organisation independent of any political party and outlined two specific duties: the provision of impartiality and balance and the intention

to educate and entertain (Inglis, 1990, p. 123). The Charter, enshrining Lord Reith's views, set British broadcasting on a mission-like pathway that infused Reith's "education, information and entertainment" as a brand across all services (Atkinson, 1997).

Over the years, critics have complained about the BBC's stuffy gentility, elite ideals, paternalism, and stilted manner, but the Corporation has remained a unique social institution mainly due its attempts to holistically represent the British lifestyle (Branston, 1998). The 12 Governors of the BBC Board are appointed by the Queen and take their community obligations seriously. For example, the Governors conduct formal public consultations about any changes to BBC services funded by the public broadcasting levy, host public seminars, consider complaint appeals and publish a *Statement of Promises to Viewers and Listeners* each year which is sent to all license-payers (BBC, 1997). This community inclusiveness has made British broadcasting a standard for public service broadcasting in other nations, such as Canada and Australia.

The Royal Charter and government legislation protects British broadcasting from political or commercial pressures and any need to cater to advertiser and business interests, at the expense of community interests. The BBC is also insulated from such pressures by its funding, as it receives all the proceeds of the public broadcasting license fee levy for its operations (Steel, personal communication, 1998, October 12).



Atkinson describes the public service tradition of broadcasting as the “antithesis of the American model” (1997, p. 20). This is because it rejects the notion that “in broadcasting the public interest could be accommodated with the private interests of private enterprises which were seeking first and foremost to make their activities profitable” (Salter cited in Atkinson, 1997, p. 20). This assessment, however, is flawed as public service principles, through legislation and license regulations, also guide all operations of the Independent Television (ITV) commercial network, and citizen dialogue is gathered in face to face events to inform policies. I suggest that all British television, and radio, can be defined as public service for two main reasons: firstly because broadcasting is a public service responsibility delegated by government, and secondly those institutions delegated to carry out the services interpret it as a “public service” in their regulations and activities (Scannel, 1992).

### **Regulating institutions for television and their public service functions**

The first two television channels in Britain were non-commercial and operated by the BBC. The Royal Charter and the tradition of broadcasting already present in BBC radio shaped their development and operation. Then in 1954 commercial television was approved by Parliament despite great opposition (Inglis, 1990). The Independent Broadcasting Authority (later transformed into the Independent Television Commission) was set up to grant and supervise the commercial licensees under Charter conditions and public service ideals. This system for commercial television operation was very different to that of America and New Zealand where commercial forces influenced television’s earliest transmissions.

Commercial television in Britain is regulated and monitored more comprehensively on behalf of viewers and there are multiple avenues for public representation. There are three public complaint institutions in addition to the broadcasters: the BBC Board of Governors, the Independent Television Commission (ITC), and the Broadcasting Standards Commission (BSC). Fraser Steel, Head of the BBC Complaints Division, explains the differences between the three institutions and the problems that can arise:

The BBC is regulated by its governors anonymously in house and a pattern of other external and regulatory clients, such as the Independent Television Commission and commercial radio. They can all be inconsistent with the BBC department of internal regulation which also has to grapple with further inconsistencies like having to be accountable in some respects but not others, to the Broadcasting Standards Commission. The Commission broadly falls in the category of a regulatory body when technically it isn't. The end product is that you can have the BBC finding one way on a complaint and the BSC finding another and so on. Overall, we agree with the BSC on about 95% of the cases that come before us but of course, the 5% that we disagree on are usually the most high profile and interesting cases (Personal communication, 1998, October 12).

As Steel explains there are multiple institutions in Britain monitoring programme standards and adjudication decisions can occasionally vary between institutions but, this is not considered a problem. The Broadcasting Standards Commission views such differences to be in the public interest “as sensitive problems or arguments are not always black and white but gray” and the dispersed power of decision-making amongst different institutions ensures decisions are “authoritative rather than authoritarian” decisions (Ketteringham, personal communication, 1998, October 15).

The role of the Broadcasting Standards Commission is somewhat different to that of the other regulators (i. e., BBC, Radio Authority and ITC). Ketteringham describes the role of the Commission and its relationship to the other regulatory bodies:

The BSC is a statutory body established under the 1996 Broadcasting Act and it's an advisor to the broadcasters and the broadcasting regulators. It doesn't consider itself a regulator although it is part of the regulatory process. Our remit is to cover issues of fairness and privacy and standards of taste and decency and the Act requires us to produce Codes about these that are reflected in the Codes of broadcasters and the other regulators. They have to look to our Codes and decisions as guidelines and we have to provide redress for the consumer in broadcasting if he or she feels they have been unfairly treated. A viewer can come direct to us and as we are independent of broadcaster and government so we are seen to be a quicker, more user-friendly alternative to courts of law. We are a first port of call rather than an appeal authority (1998).

As well as dealing with public complaints the Commission initiates independent research, consults with broadcasters about operational principles and practice codes, and monitors programmes. Like in New Zealand, the "good taste and decency" Code in Britain attracts most complaints. For example, the BSC received "about 3,000 complaints in this category this year in contrast to 150 about fairness and privacy (Ketteringham, 1998). A key difference to New Zealand is that British complaint institutions do not require public complaints to be lodged against a specific Code. British complainants can just write "they watched a programme and consider the language used was inappropriate" (Ketteringham, 1998.).

In an era of wide-ranging debates about technological convergence and the possibility in Britain that regulation could be combined under the umbrella of a single regulator in future Ketteringham believes, like Steel at the BBC, and Aldridge at the ITC, that any

regulator now and in the future should represent the interests of consumers rather than the broadcaster and the programme maker:

If there are any changes we need a body to which individuals can look for redress against broadcasters and that body has to be independent, and seen to be independent and we also believe that there is still a need for codes of guidance on matters of taste and decency and that those issues can be undertaken by an advisory body perhaps like ourselves not part of the regulatory process, not authoritarian but winning by the power of its argument (1998).

### **Assessing community standards and regulating television content**

In Britain each broadcaster and regulatory body compiles Codes of Broadcasting Practice. These must reflect the standards in Codes compiled by the Broadcasting Standards Commission. The Commission has a large research budget like the other regulatory agencies and, like the others, it independently commissions projects to monitor community attitudes to television broadcasting. In 1997, for example, the Independent Television Commission undertook a survey of viewers' opinions about the ITV channels, and Channel 4 and Channel 5. Aldridge (1998) explains this annual survey has a number of core questions that have been asked since 1970 and questions are added as services evolve. These surveys also replicate questions the BBC asks about its services as a comparison. An increasing level of complaints about a single issue can also trigger research projects by the various regulatory agencies.

In October and November 1997 the ITC used Citizens' Juries for the first time to investigate community opinion about the "taste and decency" Code of broadcasting practice. The ITC commissioned two Citizens' Juries which successfully demonstrated they have the capacity to act as symmetrical dialogue structures between

television policymakers and citizens. The recommendations of these two Juries were used by the ITC to inform the Code policy being reviewed (Hanley, personal communication, 1999, November 9). Later in 1998 research was carried out into children's perceptions of action cartoons, complaints about Free-to-Air versus subscription television, and in 1999 a Citizens' Forum of 200 citizens deliberated about options for Internet regulation to assist ITC policymakers (ITC, 1997; ITC, 1997 November; ITC, 1998 March; ITC, 1998 August; ITC, 2000 January respectively).

The Independent Television Commission was set in place by legislation like the BSC, "but a key difference is the ITC having the authority to fine the licensees it supervises, and even take them off air, while the BSC can't" ( Aldridge, personal communication, 1998, September 25). The ITC through its supervision and programme monitoring holds commercial operators to the programming promises in their licenses. Aldridge explains the license application process for commercial television operators in Britain:

When they apply for their license they have to give us an outline of their programming plans and it has to include a diversity of programming and a certain amount of each strand of programming. For example, each licensee has to provide an amount of regional programming that is specific to the region wherever it is based and they have to show a knowledge of the region and what people living there actually want to see. We hold them to that and it is monitored and assessed each year when we come to do their annual appraisals and if there is any sort of foreshortening in any strand then they are held to account and have to make up that difference. There are all sorts of things like subtitling they have to provide and even technical output quality is judged (Aldridge, 1998).

This tight licensee control on behalf of viewers is carried out by a report of each commercial channel's operation for the past 12 months. Aldridge (1998) explained

that after the reports are published the licensees come in for meetings to argue any problems that are noted. To achieve this level of operational television knowledge the staff in the programming division of the ITC are each responsible for monitoring a set number of programme hours each week. This task includes programmes on cable and satellite channels. The staff members write evaluation reports about programme quality and any Code violations or other concerns observed (Aldridge, 1998).

Another area of public service appears in the programme strands for commercial television operators called “positive programme requirements”. They derive from different Sections of different Broadcasting Acts (ITC, 1997 October). For example, the programme requirements for Channel 4 are documented in Section 25 of the 1990 Broadcasting Act which states:

Channel 4 programmes must contain a suitable proportion of material which will appeal to taste and interests not generally catered for by ITV: to be innovative and experimental; to have a wide range in subject matter and that Channel 4 should be provided as a public service for disseminating information, education and entertainment and generally have a distinctive character of its own (ITC, October 1997, note no. 6).

The strength of these license conditions is illustrated in the public debate that took place in 1998 when ITV proposed its *News at Ten* programme be rescheduled on weekdays to a 6.30pm time slot instead of 10pm to enable the broadcaster to schedule feature films in the evenings (ITC, 1998 September). The ITC held public consultations to gauge viewer reactions and a fierce debate was waged in the press as to whether this proposal was “the first step in an ITV campaign to shed one public-service responsibility after another” (Snoddy, 1998). These actions and the tradition

of regulations for both standards and programmes across all broadcasting options, including commercial television, display a consistent commitment to operate broadcasting as a service on behalf of British citizens.

### **The theoretical pattern of British television regulation**

This review reveals that British commercial television exhibits “broadcasting pluralism” through its multiple institutions and regulations for programme content diversity, and “neo-pluralism” through its inclusion of community opinion in policies. Held (1987) defines neo-pluralism as a deliberate state intervention to ensure participation by groups that otherwise would lack representation in market-led broadcasting.

Drummond, Paterson and Willis (1993) split broadcasting pluralism into two perspectives. These are external pluralism or a system that has “a number of parallel broadcasting institutions” and internal pluralism or “the provision of a broad range of programmes and opinions within one or sometimes more broadcasting services (p. 52). The British regulatory system across all broadcast television services displays both pluralism perspectives. This system has only evolved as the fundamental principle overriding all others at the heart of British broadcasting regulation is the decision to put the interests of viewers first (Smee, 1997).

#### **4.6: Two theories in action define New Zealand broadcasting evolution**

At the close of the media review chapters informing this action research programme a concluding insight is offered about the contradictory evolution of New Zealand broadcasting. This insight is a result of reflections about New Zealand's media development compared to the overseas models. It is proposed that institutional pluralism and managerialism are key ingredients influencing the organisation and operation of New Zealand broadcasting, rather than the British public service or American market models. These two ingredients, however, exist and are displayed in these overseas traditions and both relate to different distributions of social power, as do the overseas models described.

Mosco and Rideout (1997) state social power that operates in specific "situational" circumstances over "specific issues" defines the pluralist perspective. This is confirmed in New Zealand by governments using their legislative and executive power to periodically restructure broadcasting regulation and form different institutions. Chapters one and two revealed such changes to be mainly a negotiation between political and economic interests, rather any clear long-term philosophical direction.

New Zealand governments through such actions display a functionalist approach to broadcasting regulation. The many restructurings of broadcasting, and the rule-like procedures and executive interventions guiding its operation display a preference for elite bureaucratic organisation and a resulting dependence on managerialism.

Managerialism with its constraining focus and pluralism's power dispersal are



contradictory, as is the pathway of New Zealand broadcasting (Mosco & Rideout, 1997).

The case studies of the two overseas triangle partners reveal market and public service principles which are both patterns in New Zealand broadcasting but these are not oppositional choices - in spite of public debates positioning them this way - as both systems attract similar debates about quality and public accountability. What is apparent is that over the years a political attempt has been made to provide a structure for viewer representation and local programme interest. For example, the establishment of the Broadcasting Standards Authority and NZ On Air in the Broadcasting Act (1989) were steps along the pathway of “pluralism” in New Zealand’s broadcasting. Examined alongside the philosophies underpinning the development of American and British broadcasting, New Zealand’s brand of broadcasting philosophy can be interpreted as a lengthy evolvement towards “institutional broadcasting pluralism” rather than either of their national regulatory styles.

There has been confusion and arguments about what model New Zealand broadcasting represents since the first transmissions and regulations. The mixed funding system, its public service ideals, strict bureaucratic organisation, competitive free market policies, government demands for profit maximisation, and the application of corporate attitudes have all masked any definitive tradition or purpose. Rennie explains these debates:

Our confusion of understanding can be seen in the very language we use. Public sector broadcasting? Or public broadcasting? Or public service broadcasting? Our *public broadcasters* call their competitors private broadcasters. Our private broadcasters call themselves *independent broadcasters*, and snipe at the public broadcasters and *state broadcasters*. Services which take money from government or audience are *non commercial*. By implication, non-commercial broadcasting is the same as public broadcasting (cited in Hawke, 1990, p. 19).

While New Zealand's publicly owned broadcasting has always reflected aspects of the British and American systems it has never sufficiently matched their broadcasting models to provide precise policy directions or conclusions. Historically the authoritarian style of central government and its political interventions have overwhelmed the egalitarian pattern of New Zealand society which is now more visible in its commitment to "broadcasting pluralism" during an era of broadcasting deregulation. For example, ex BBC employees like Ormand Wilson (1946) were critical of early broadcasting for its lack of attention to radio listeners in the tradition of British radio. However, New Zealand officials were in their own way committed to ensuring all New Zealanders received a radio service of some description with a variety of programming not dissimilar to Reith's public service tradition of information, education and entertainment. This was not an easy commitment with the diverse geographical terrain of the country. These geographic difficulties led to the formation of a state-operated transmission company, Broadcasting Communications Limited (BCL), which still controls the transmission distribution network today.

This same social commitment was visible in the production policy for television, established by Gilbert Stringer in the 1960s. This turned regional television stations

into local production houses for separate genres so different programme strands were provided for viewers. Critics of New Zealand broadcasting often base their views on a polarised choice between public service or market policies (Smith, 1996; MacKay, 1953; Wilson, 1946) rather than its development as a public good (Maharey, 1990).

#### **4.7: Pluralism and managerialism at work in New Zealand television**

If viewed as a public good the mode of operation long practiced by New Zealand television policymakers more closely resembles a process of politically imposed “institutional broadcasting pluralism” than the entrenched philosophies of either Britain or America. A progressive commitment to both external and internal pluralism can be discerned in the policies of both the government and broadcasters. This has affected the programming of even private for-profit operators. For example, CanWest’s TV3 and TV4 Network produces local children’s programmes, Maori language programmes and documentaries, all traditionally the genre domain of public service style television, and both public and privately owned broadcast channels promote their public complaint services on screen, in response to the rules of the Broadcasting Standards Authority.

The triangulation of overseas influences has assisted the formation of this pluralism discourse as New Zealand institutions reflect the functions of overseas models. Institutions such as the Broadcasting Standards Authority and NZ On Air work with broadcasters to achieve programme standards and diverse topic strands through local productions. External and internal pluralism became a more obvious broadcasting

framework during the government era promoting minimal regulation and free-market economic policies.

The one factor still lacking in New Zealand's development of broadcasting pluralism is a commitment to directly consult citizens to inform community impact policies. The in-depth evaluation of the role and impacts of New Zealand's political economy on broadcasting allows this assessment. The integration of citizen opinion in broadcasting policies would complete the pluralism cycle and eliminate a current organisational deficiency. Presently, citizens are displaced from any participation in broadcasting policies by elite in-group experts and they are further distanced by their being positioned and identified as an audience, instead of citizens (Karim, 1991, p. 58). New Zealand citizens in broadcasting matters continue to have no power despite the years at the end of the century being an era that recognises the supremacy of consumer power and its sovereignty (Offe, 1984).

Gathering and integrating citizens' opinions in public policies would reconcile the contradictions that have plagued New Zealand broadcasting regulation. Such an ethical, and democratic, policy if enacted by government and broadcasters could also synthesise the reflected functions of the triangle partners into a unique pluralist framework and transform the current managerial incompatibilities of public service and market, especially in a publicly owned organisation, such as Television New Zealand. A commitment to gather citizens's opinions to inform policies will also give policies with a widespread community impact a public mandate. This mandate can be

achieved through Citizens' Juries as proposed in this thesis. The background and design of Citizens' Juries, and their international use, are discussed in chapter five as an action step towards organising a trial Citizens' Jury involving New Zealand television policymakers and a group of citizens.

#### **4.8: Summary**

The research direction and action plan to locate a public consultation method to engage citizens and television policymakers in policy dialogue were successful. During an interview with a senior research officer at the Independent Television Commission in London, the Citizens' Jury method was discovered. After investigations, it proved to be a suitable method to trial with New Zealand television policymakers to show they could easily gather citizens opinions.

The material in this chapter reveals the regulation of British commercial television to be based on public service principles with attention paid to community interests and opinions. This is achieved by positive regulations for diverse strands of programming; programme monitoring; commissioned research projects, and citizen dialogue methods. American television reflects the minimal regulation and lack of attention to public opinion and community interests consistent with corporate dominance and competitive market principles. The organisation of New Zealand television reflects aspects of both the British and American broadcast systems in an ebb and flow manner according to the political philosophies of the government in power.

Consequently, it is still the political beliefs of government dispersed through bureaucratic policymakers and officials, rather than any particular long-term philosophical commitment, which continues to influence New Zealand television regulation. Therefore, it is concluded even these reflections are a deliberate result of the social power of successive governments to control and dictate the media regulatory environment. This is because the continual political restructuring of New Zealand television organisation differs from the broadcasting traditions of the triangle partners, Britain and America, where regulatory environments were designed to act long-term either in the public interest, or to encourage market competition.

## **Citizens' Juries: Dissolving Dialogue Boundaries**

In the preceding four chapters, I have linked description and hypothesis with an “intention to change” (Eden & Huxham, 1996, p. 530). This chapter investigates the potential of Citizens' Juries to offer a resolution of the distant relationship between television policymakers and New Zealand citizens. The choice of the Citizens' Jury model stems primarily from their ability to equalise communication among participants by dispersing elite social power. It followed a review of the international use of Citizens' Juries that showed, firstly, how they might transform the present elite and insulated dialogue circle of television, and other media policymakers by introducing community representative opinions, and, secondly, also fulfill the increasing legislative moves towards encouraging public participation practices.

In line with action research practice, the material of this chapter produces theories applicable to this particular action research cycle. Its theory building moves forward incrementally “from the particular to the general in small steps” (Eden & Huxham, 1996, p. 537) so that the preceding data, which “informed this intervention and research intent” (p. 533), is systematically implicated in the progression of each action

research step. Consequently, this chapter begins by reviewing the data prescribing the action plan intervention, as it is the critical foundation for this action research cycle.

### **5.1: Thesis data prescribing this action cycle and the action plan**

The descriptive examples in chapters one and two revealed television broadcasting to be established by government as a social service for New Zealanders. At the same time they also charted how, through top-down social power, governments and broadcasting officials acted as elite controllers dictating policies influenced by their political and economic interests. This situation was shown to exclude consultation with citizens even about changes to policies with a wide spread community impact, such as the Codes of Broadcasting Practice.

The case studies of British and American broadcasting regimes in chapter four unveiled different national understandings about television regulation, and their relationship to a community. The international case material highlighted one key area of divergence from New Zealand. By consulting with grassroots citizens directly about policies (through Citizens' Juries and Citizens' Forums), policymakers at the Independent Television Commission in Britain acted as if broadcasting were more of a social service and illustrated a willingness to share decision-making power. Despite Television New Zealand (TVNZ) being a publicly owned network, I could not locate any similar actions by New Zealand television officials. One US Federal Communications Commissioner explained such a contradictory situation through the idea that "institutions . . . are sometimes like people as they simply act primarily in



their own self-interest” (Powell, 1998, p. 1). His explanation fits the New Zealand experience. The reviewed material shows Television New Zealand officials to be aligned with profit maximisation policies through a Statement of Corporate Intent rather than any organisational culture of community service.

In the course of this study, in analysing how the action research field of New Zealand media regulation operates, and in whose interests, my role as an action researcher became “integrally” (Eden & Huxham, 1997, p. 537) positioned. This occurred when in line with the historical research, contemporary participation in television practice policy discussions proved to be closed to anyone not judged to have media governmentality and elite social power. Such a closet elite arrangement by New Zealand television policymakers appeared to be socially out of date in an era widely, and actively, promoting the benefits of public participation and public consultation practices for both organisations and their community stake-holders. As a change-agent researcher, therefore, I decided the situation had to be redressed so that television policies could be compiled more on behalf of the national community than a small elite. In order to facilitate such an action step, I required an intervention response mechanism. My problem-solving action plan involved organising a trial Citizens’ Jury to demonstrate one solution to getting beyond the existing asymmetrical policymaking.

The Citizens’ Jury decision linked back to theoretical themes of democratic idealism and public participation values, which, in turn linked back to the notion of media

playing a democratic and public deliberation role in society (e. g., Veis, 2000; Page, 1996; Dahlgren, 1995; Keane, 1991). Proponents of the Citizens' Jury model valued its ability to gather citizen representative knowledge to assist policy discussions and other organisational decision-making (Jefferson Center, 2000; Institute of Public Policy Research, 1998; Fishkin, 1991). This historical and international context had not had much influence within New Zealand.

## **5.2: The status of public consultation practice in New Zealand**

In order to situate the action plan in this country, I want to outline public consultation and public participation practice advocacy in New Zealand before examining, in a single case study, the philosophy and methodology underpinning Citizens' Juries. The hierarchical citizen exclusion exhibited by contemporary New Zealand media policymakers, especially in relation to publicly owned broadcast television, is out of step when compared to the multiple promotions of public consultation by government. Chen (1994) reports that "since 1987 there have been over 373 instances of the use of the word 'consultation' in new legislation" (cited in Hayward, 1997, p. 411). While the enshrining of consultative practice in legislation may have gained increased attention towards such a practice, actual results have been more in line with the norms of public participation, rather than the face to face symmetrical consultation or dialogue engagement proposed in this thesis, as exemplified by the Independent Television Commission in Britain.

Hayward (1997) defines public consultation as “lay community involvement in the policy process” and clarifies its form through its 1992 description by Chief Justice Mr McGechan (p. 411). The Chief Justice describes public consultation as: “The statement of a proposal not yet finally decided upon, listening to what others have to say, considering their responses, and then deciding what will be done” (McGechan cited in Hayward, 1997, p. 411). Hayward also cites McGechan to the effect that public consultation is not “merely telling or presenting information” (1997, p. 411). Such explanations have been expanded into key defining elements - of the public consultation process - by the Ministry for the Environment and Local Government Commission (1994).

They include: providing sufficient *information* to consulted parties; ensuring sufficient *time* for consultation and subsequent deliberation on advice; *genuine consideration* of the advice given; and *an open mind* and *willingness to change* (cited in Hayward, 1997, p. 411).

All these elements of consultation practice are present in the Citizens’ Jury model and some international Citizens’ Juries but not in a Citizens’ Jury organised by Wellington’s City Council in 1996. This Citizens’ Jury attracted negative comments and accusations about its planning, and treatment of the citizen participants.

Public consultation differs from public participation, which is a more asymmetrical activity regularly conducted by many organisations. The latter process covers a variety of actions ranging from public meetings to opinion gathering polls, to leafleting, and house to house interviews (Loew, 1979).

In New Zealand public participation and community consultation are both strongly promoted, for example, by local government legislation (e. g., Ministry for the Environment and Local Government Commission, 1994). But despite such legislation most Councils only engage reluctantly in public participation activities and criticise the practice of public consultation mainly because “it could make decision-making unduly prolonged” (Brown, 1996, p. 38). This attitude contradicts the idea that a high public approval rate should be a core value of local government operation (Erik-Lane, 1993). The disabling contradiction applies equally to Television New Zealand since a high level of public approval could only increase viewer numbers and enhance its operational success.

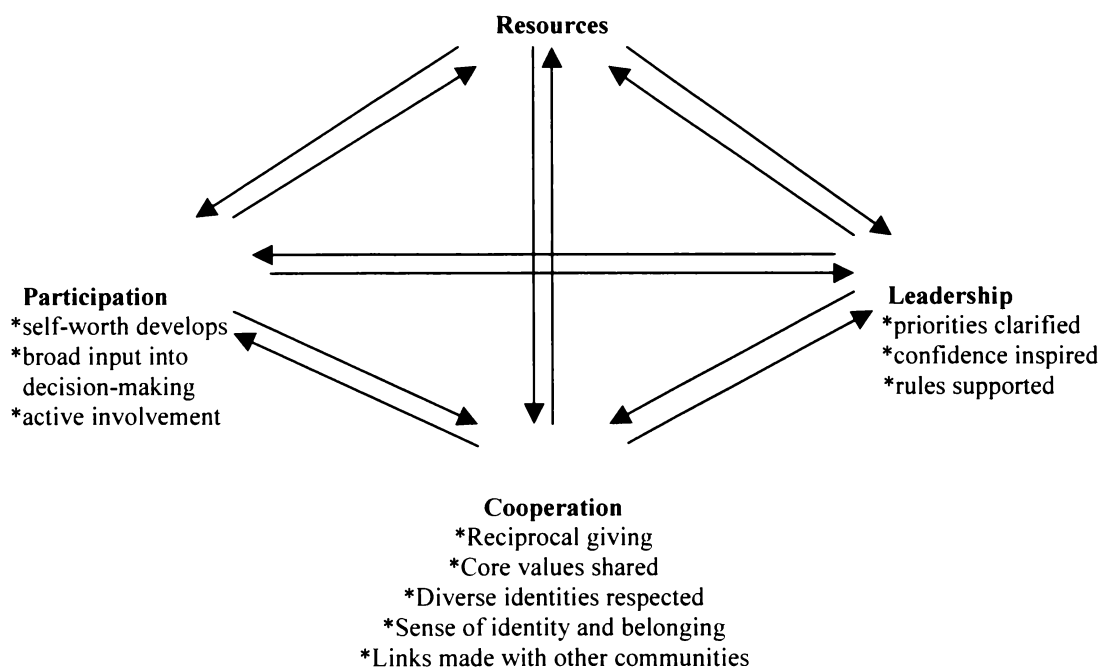
Brown’s (1996) research further reveals that the acceptance of public consultation practice by local government authorities - as a statutory requirement to consent - is not universal and councils vary in their efforts citing sporadic public interest in defence of their practices. Such defences go against her evidence, which suggests those councils that use creative methods get a better response “than those who simply hold public meetings and advertise in the classified section of local papers” (Brown, 1996, p. 39). In contrast to New Zealand the use of Citizens’ Juries by local authorities in both Britain and America is becoming more widespread as their citizen consultative value is increasingly valued in comparison to the norms of public participation.

In summary, it would appear that a belief in public participation is a core requirement if public consultation is to be implemented by an organisation, and become a regular,

ethically produced organisational practice. The reviews of New Zealand media policies revealed no evidence of public consultation, or public participation practice. However, government legislation and department documents both signal a strong commitment to encouraging organisations to utilise public consultation techniques and put forward public participation as a foundation for strong communities.

### 5.3: The importance of public participation to organisational well-being

Such positive government attitudes to public participation practice can be found in, for example, an Internal Affairs's (1997) working document that promotes public participation as a building block for strong communities. Figure 4 illustrates that this government department's vision is linked to a strategy of active public participation so that all citizens, including leaders of organisations, benefit.



**Figure 4. Participation's Role in Building a Strong Community**

(Figure 4 was adapted from: *Factors that Build Strong Communities*, Department of Internal Affairs, 1997. This source was a working document, not established policy).

The diagram (Figure 4) emphasises public participation as a cohesive factor for achieving strong a New Zealand community and a number of positive benefits are listed for those organisations willing to work cooperatively and share decision-making power. The benefits include organisational leaders gaining information to clarify priorities and citizens, through an active involvement in such decision-making, gaining a sense of self-worth.

Clearly my decision to encourage public participation in television policy consultations through a trial Citizens' Jury aligns directly with this government department's vision of cooperation between different community sectors and the development of an involved, and rejuvenated, citizenship. Public participation, according to the Internal Affairs Department, can assist the realisation of many organisational objectives. These include: a better and more efficient use of resources; goals being easier to achieve; trust developing between participants, and notably "better informed" decisions. In addition, the Internal Affairs Department's analysis indicates that leaders who inspire and integrate participation in their organisations will be supported by teamwork, be more likely to be retained, and attract core values such as cooperation and a sense of identity and belonging in their organisations.

These values arising from public participation practice reflect a list of core values provided by the International Association of Public Participation (IAP2). The Association summarises these as:

1. The public should have a say in decisions about actions that affect their lives

2. Public participation includes the promise that the public's contribution will influence the decision
3. The public participation process communicates the interests and meets the process needs of all participants
4. The public participation process seeks out and facilitates the involvement of those potentially affected
5. The public participation process involves participants in defining how they participate
6. The public participation process communicates to participants how their input affected the decision
7. The public participation process provides participants with the information they need to participate in a meaningful way (www. IAP2 Homepage, 1999).

The flow of positive benefits from public participation is an argument in favour of citizen representative dialogue being gathered and being allowed to inform policy. It has obvious relevance to community impact media policies, especially broadcast television's Codes of Practice. Indeed I intend to show how the list of benefits and the core values of public participation practice can all be achieved through the use of Citizens' Juries. The following case study describes the design and operational features of the Citizens' Jury model through the writings of Jury proponents and political theorist James Fishkin.

#### **5.4: (Case) Citizens' Juries: A Strategy for Citizen Participation**

In *Democracy and Deliberation* James Fiskin (1991) relates his quest to bring greater participation power to American citizens. He tells how the journey led him to examine the functions of Athenian democracy in order to design a public consultation method suited to modern nations. His review of Athenian democracy identifies it as an institutional practice of citizen inclusion that worked to share decision-making power in a manner that matches: the list of public participation benefits promoted by

Internal Affairs (1997); the list of core values of the International Association for Public Participation (1999); and the government's multiple legislative advocacy of public consultation practice.

The practice of citizen representative democracy carried out by citizens in the governing of Ancient Greece underpins the methodology of Citizens' Juries and their variants (e. g., Citizens' Forums, Deliberative Public Opinion Panels and Deliberative Polls). The Citizens' Jury model incorporates the face to face group consultation - with its equalisation of social power - of citizens in this ancient democracy into a model that can act as a mechanism for political equality and deliberation between elites and grassroots citizens (Fishkin, 1991).

The particular problem Fishkin wished to resolve was a lack of debate equality for citizens in the American electoral system for selecting presidential candidates, due to agenda-setting by candidates and media. He used principles from Athenian society as a basis for his deliberative poll model and, in so doing, sets out the principles and operational components of Citizens' Juries. Fishkin's (1991, 1995) analysis of this process is referred to by leading organisers of Citizens' Juries, such as the Jefferson Center in Minnesota, and the Institute of Public Policy Research (IPPR) and Opinion Leader Research (OLR) in London.



## **Distinguishing features of the Citizens' Jury method**

The following criteria are generally considered to be distinguishing features of the Jury method (Jefferson Center, 2000; ITC, 1998; Hanley, 1999, Meaden, 1999). The organisation of a Citizens' Jury begins with the random sampling of a population to select a representative group of citizens from that population (Fishkin, 1991, 1995). This means everyone has an equal chance of being chosen to participate in the group and the results of the group interaction will provide a snapshot picture of the opinions of the entire population sampled. A second layer is added to this sampling process. The sample group is given the opportunity to engage in face to face dialogue with experts about a public issue and deliberate thoughtfully before presenting their opinions about the issue. This information sharing and debating with expert witnesses establishes the foundation for the informed deliberation or consultation, which is carried out by the sample group. Fishkin states these two processes combine to provide "a statistical model of what the electorate would think if, hypothetically, all voters had the same opportunities that are offered to the sample" (1991, p. 4).

The Jefferson Center in America, which has been organising Citizens Juries since 1974, refines these features into five essential characteristics for any Jury event and these, along with Fishkin's theoretical analysis, are later used to evaluate the Waikato Citizens' Jury:

<b>Random Selection</b>	The members of the jury pool are randomly selected through scientific polling techniques
<b>Representative</b>	Jurors are carefully selected to be representative of the community at large.

<b>Informed</b>	Witnesses [experts] provide information to the jury on the key aspects of the issue. Witnesses present a range of perspectives and opinions. The jury engages the witnesses in a dialogue to guarantee that all questions are answered.
<b>Impartial</b>	Witness testimony is carefully balanced to ensure fair treatment to all sides of the issue.
<b>Deliberative</b>	The jury deliberates in a variety of formats and is given a sufficient amount of time to ensure that all the jurors opinions are considered (Jefferson Center website, 2000).

Fishkin (1991, 1995) claims these characteristics distinguish deliberative polling methods, such as Citizens Juries, from ordinary polling methods. In his estimation ordinary public opinion polls only “model what the public thinks, given how little it knows” whereas opinion poll methods with information sharing and deliberation “model what the public *would* think, if it had a more adequate chance to think about the issues” (Fishkin, 1991, p.1). Fishkin also describes the results of deliberative style polls to be prescriptive rather than predictive “because they are the voice of the people under special conditions where the people have had a chance to think about the issues and hence should have a voice worth listening to” (1991, p. 4).

### **Following Fishkin: Tracing the theoretical pathway to Citizens’ Juries**

In his search to define conditions for a democratic model of citizen representation, Fishkin investigates a wide range of theories and ideas about democracy from the philosophic writings of Aristotle and Rousseau to Madison and Montesquieu (1991, pp. 14-25). Many arguments about such a model relate to how democratic principles

can or cannot operate in relation to population size and the subsequent limitations to democratic principles.

Fishkin (1991) cites three democratic value conditions espoused by Madison (1974) as defining conditions for any democratic method of citizen representation. These are deliberation, non-tyranny and political equality - all of which are found within the Citizens' Jury methodology. Fishkin (1991) describes the functions of each condition in considerable detail but the following quotation provides a concise summary of their importance and relationship to each other:

Without political equality, votes are not counted equally or the voices of some do not get an effective hearing. Without nontyranny, the essential interests of some groups are destroyed when such outcomes could be entirely avoided for everyone. In other words, when tyranny of the majority is the result, the moral claims of democracy are undermined. Without deliberation, democratic choices are not exercised in a meaningful way. If the preferences that determine the results of democratic procedures are unreflective or ignorant, then they lose their claim to political authority over us. Deliberation is necessary if the claims of democracy are not to be de-legitimated (Fishkin, 1991, p. 29).

The three value conditions do not exist in statistical sampling techniques (i. e., public opinion polling). Their lack of deliberation and potential for a tyranny by a majority made Fishkin discard these as suitable techniques for a democratic public consultation method. In support of his dismissal of these popular polling methods, he discusses the analysis of poll research carried out by several people, including Philip Converse (1970). Converse concluded, that when polled in this manner about many issues, four out of five citizens do not have stable, nonrandom opinions. Instead they have what he terms "nonattitudes" and he estimates that 80 to 90 percent of a population will

invent opinions on the spot (cited in Fishkin, 1991, p. 83). Fishkin also claims this type of poll, through being quoted widely in mass media, can result in non-existent opinions, and inaccurate poll results, taking “on a life of their own” (1991, p. 84). Consequently, Fishkin considers public opinion polls to be an incomplete system for citizen representation due to their lack of deliberation and says this makes them only “half a vision” of democracy (1991, p. 24).

### **Combining deliberation and Athenian juries into a full democratic vision**

The integration of information sharing by elites with citizen deliberation makes the Citizens’ Jury method a more democratic and socially equal consultation model for public participation practice. In *The Voice of the People: Public Opinion and Democracy* (1995) Fishkin adds “participation” as a fourth value condition to his previous foundation three (i. e., deliberation, non-tyranny and political equality) and states that efforts to realize all four have usually been unsuccessful (1995). This, he states, is because most notions of democratic participation accept the values of political equality, non-tyranny and participation, but still neglect deliberation (Fishkin, 1995).

Brown’s (1996) research revealed local government authorities believed public consultation, as opposed to other participation practices, could delay or lengthen a decision-making process. It is the deliberation component they judge to be the delaying factor, but deliberation is a necessary component if citizens are to respond with informed and appropriate opinions and recommendations about a topic. The

element of deliberation means public views are refined and enlarged by what Dahl terms “enlightened understanding” (cited in Fishkin, 1991, p. 36). Dahl explains the criteria necessary to achieve this situation:

In order to express his or her preferences accurately, each citizen ought to have adequate and equal opportunities for discovering and validating in the time permitted by the need for a decision, what his or her preferences are in the matter to be decided (cited in Fishkin, 1991, p. 36).

To this explanation Fishkin adds the criterion that “the participants must be willing to consider the arguments offered on their merits and listen and participate with an openness to the reasons given on one side or another” (1991, p. 37). Fishkin also adds that it is up to the participants deliberating about an issue “whether they will finally decide in terms of their personal interests or values or the interests or values of some group or region” (1991, p. 37).

### **Following Follett: The coactive arrangement of power in Citizens’ Juries**

All the previously explained value conditions and criteria combine in Citizens’ Juries to describe a decentralised system of social power that connects to the pluralist perspective of social power. Olsen and Marger (1993) follow the same pathway, from Aristotle to Madison, as Fishkin in their discussion of pluralist social power (pp. 83-87). They point out that in order “to disperse power and involve nonelites in power processes” there must be a proliferation of autonomous groups, associations and other organisations located throughout a society” (p. 84). This type of grassroots activity is already widespread in New Zealand but the network is not characterised by any ability to wield sufficient power to influence government decision-making or other elite organisations such as television broadcasters. Instead such activity in regard to

television (e. g., Friends of Public Broadcasting and Children's Media Watch) more closely matches Olsen and Marger's (1993) category of "mediation pluralism" (p. 84). This category is effectively extended in the symmetrical citizen-elite dialogue of public deliberation models. Such an extension, however, requires a willingness by elite executives, and their organisations, to participate with grassroots citizens - and share social power - as in the "coactive" power sharing principle advocated by Follett (1965).

Follett's promotion of jointly exercised or "coactive" organisational social power describes the manner in which social power operates in Citizens' Juries (Gilbert et al., 1992, p. 45). She emphasises the benefits of "power with people" instead of the "power over people" approach found to be evident throughout the reviews of media development in this study. Follett examined the arrangement of social power in large organisations in the same era Max Weber formulated his bureaucracy concept but proposed "it was important to rethink the traditional notions of authority and power" (cited in Gilbert et al., 1992, p. 45) to achieve better decision-making.

Another concept from Follett effectively describes the consultation and deliberation processes carried out in Citizen Jury events. She explains "constructive conflict" to be an opinion refining process and suggests that "conflict is neither good nor bad" but just "the appearance of difference, difference of opinions, of interests" (Follett cited in Metcalf, 1965, p. 30). During Citizens' Juries there can often be a clash of diverse and sometimes forcefully expressed opinions but these serve to progress the consultation

and deliberation “coactively” towards what Dahl (1979) described as “enlightened understanding”.

Fishkin, like others, discovered these two processes (coactive power and constructive conflict) occurred in the jury system of Athenian society. In addition, he found the four conditional democratic values (political equality, nontyranny, deliberation and participation) were combined within the lottery system of Athenia to select citizen juries (Fishkin, 1991, p. 86). Fishkin explains:

Of all the ancient Greek institutions that employed the lottery, the one that most closely parallels our proposal is the use of citizens’ juries. The juries had a much broader range and discretion than do our modern juries, and they would typically number around five hundred . . . . They were miniature, statistically representative versions of the entire citizenry who were given wide discretion in making political judgements for the polity (p. 87-88).

### **The institutionalisation of Citizens Juries as a societal benefit**

Citizens Juries and other deliberative methods are increasingly being seen to be a preferable, and more democratic alternative, to the present wholesale, and incomplete, elite mediation of public issues by mass media and asymmetrical polling methods. This vision extends to include their institutionalisation, just as the legal system’s jury service has been, with similar obligations of citizenship. Fishkin describes the similarity between the legal jury concept and the Athenian based jury model:

Both are meant, in some sense, to be representative of ordinary citizens. Both are premised on the notion that ordinary citizens, when immersed in the relevant materials, can deal with difficult intellectual questions (1991, p. 9).

The similarity gave modern Citizens' Juries their name. Fishkin's desire to find a strategy that could bring power to the people "under conditions where people could exercise their power thoughtfully", and in informed fashion, but unconstrained by elitist agendas is realised in the deliberative Citizens' Jury model (1991, p. 12). Such face to face public deliberation is preferable if public policy is to authentically reflect community preferences and an "organised, articulate Public" is to come into being (Dewey cited in Page, 1996, p. 2).

Finally, Fishkin notes that citizen participation in serious deliberations about issues appears to have had a galvanising effect in Athenian society on a participant's interest in public affairs. Hamilton (1942) claims the Greeks realised that life is a dynamic process requiring "the exercise of vital powers along lines of excellence in a life affording them scope" (cited in Feinberg, 1973, p. 26). If this situation is replicated it is entirely possible that one participation outcome would be a rejuvenation of the sense of citizenship and public debate already documented as lacking in New Zealand society. The face to face consultation and coactive distribution of social power of Citizens' Juries could resolve both the lack of citizen engagement in public issues and the use of top-down social power by television broadcasters, and other policymakers. A review of some international Citizens' Juries confirms they can produce increased citizen interest in public issues and a corresponding appreciation of citizen wisdom by policymakers and organisational leaders.



## **5.5: An international review of some Citizens' Juries and their topics**

During the 1990s Citizens' Juries grew in popularity and many different organisations, especially those related to public services, in a variety of countries (e. g., Britain, Germany, Denmark, Spain, Australia) chose to use them to investigate citizen opinions to inform policies and decision-making. The variety and complexity of topics deliberated by Juries, and the different types of organisations using them, confirms the versatility of the model. For example in Australia, the issue of genetically modified food was debated by a panel of 14 citizens in the country's first Citizens' Jury held in Canberra in March 1999 (Templeton, 1999). However, it is in Britain and America that their use has spread to the point of institutionalisation. A review of Jury projects in these countries shows the method consistently works to equalise social power between elites and grassroots citizens to produce an atmosphere that is conducive to information sharing, and equitable coactive consultation to assist elite policy decision-making.

In America the Jefferson Center in Minneapolis has been an organiser of Citizens Juries at local, state and national levels since 1974 ([www. Jefferson Center, Homepage](http://www.jeffersoncenter.org), 2000). The Center says their mission is "to determine the will of an informed public and present those views clearly and actively to the individuals and organisations responsible for making policy decisions" and states that "involving citizens in high quality dialogue about a key issue ultimately leads to increased public support for the resulting policy" (p. 1). These views reflect the benefits of public participation listed by the Internal Affairs' Department (1997).

Citizens' Juries organised by the Jefferson Center have deliberated on topic issues ranging from Physician Assisted Suicide and Minnesota's Electricity Future to At-Risk Children, Health Care Reform, The Federal Budget, Low Income Housing, Organ Transplants and even Hog Farming. On their website the Center also describes the manner by which the results of a Jury project should be reported. They suggest Jury findings and recommendations "appear in language that the jurors themselves develop and approve" and that a final report be produced shortly after the Jury concludes. The Center describes this reporting process:

The final report includes additional information about the project, as well as the Jury recommendations. The recommendations remain in language that is approved by the jurors. The report is given to involved decision-makers and is also made available to the public (Jefferson Center webpage, 2000, p. 2).

In Britain, the Institute of Public Policy Research (IPPR) and Opinion Leader Research (OLR) initiated the use of the Citizens' Juries in March 1996 (IPPR, October 1997). The method is openly championed by Prime Minister Tony Blair and "the Labour government has required local authorities and health authorities to use Citizens' Juries to consult their people" (Coote cited in IPPR, 1998, p. 7). Successful British projects include a Citizens' Jury organised by the East Sussex health authority to explore new options for coordinating local health services in the region. The health authority convened a panel of 14 citizen jurors "to deliberate on provision of local gynaecological cancer services" (IPPR, 1998, p. 2). The health authority accepted the unanimous Jury verdict and is implementing their recommendations. A health authority spokesperson commented that though the Jury appeared to be "a disparate

bunch of people tackling one of the most complex decisions in healthcare we couldn't have come up with better answers" (Nicholson cited in IPPR, 1998, p.2).

The procedures for Citizens' Juries described by the Jefferson Center, and the democratic features of public deliberation models, as explained by Fishkin (1991, 1995), were part of the planning process for two Citizens' Juries instigated by the Independent Television Commission (ITC) in October and November 1997. These two juries were the first to be convened by a regulatory body in Britain (ITC, March 1998, p. 3). The purpose of these two Citizens' Juries was to gather public views about what constituted current community standards for "taste and decency" as the Commission believed "there are obvious dangers in relying simply on submissions from complainants and broadcasters, as this ignores the broad spectrum of viewers' attitudes" (ITC, March 1998, p. 5). The Independent Television Commission used the Juries to tap into this "silent majority" to update its policies and "to establish whether its decisions were being based on sound criteria" (ITC, March 1998, p. 5). The draft report sent to each juror for their initial approval provides a summary of the Juries:

17 jurors were selected in Uxbridge to represent a cross section of the local community and 15 jurors were chosen the same way in Oldham. Each jury sat for four days and were asked to produce a series of recommendations which would advise the ITC on their policies for regulating the content of television. They heard from a number of witnesses who had expertise in the area and watched clips from television to make their own regulatory decisions. . . . At the end of the four days each jury produced a set of guidelines to be used when making regulatory decisions about the content of television (IPPR, 1997, October).

The recommendations of these two ITC organised Citizen Juries now informs the day to day decision-making of ITC staff, a revision of the Programme Code, as well as

other television related regulatory issues (IPPR, 1997, October, p. 8). In post jury questionnaires, the citizen jurors expressed their appreciation at being invited to participate, and note their increased knowledge of television regulation, while the Jury report mentions an appreciation of the knowledge contribution made by the citizen jurors to inform and benchmark ITC policies.

### **5.6: The Wellington Citizens' Jury**

In contrast to the descriptions of these successful Citizens' Juries, and the appreciation expressed by both participants and organisers, a Jury commissioned by the Wellington City Council in March 1996 shows how they can be easily discredited when their ethical methodology is disrupted by an organisation's intention to retain elite social power. It also illustrates how poor community engagement can negatively affect an organisations's relationship with its community stakeholders, in contrast to the positive benefits that can flow to an organisation genuinely committed to a public participation event and allowing public dialogue to inform decision-making.

In February 1996 the Wellington City Council commissioned its Communications' Team to organise a Citizens' Jury with the Jury selection contracted out to MLR Ltd, a market research company (Cutler, 1996). The Council had decided to use a Citizens' Jury as a public consultation mechanism "to gauge the view of the public on the Council's loss of control in Capital Power Ltd" resulting from a possible divestment of its remaining shareholding interest (Cutler, 1996, p. 2). Cutler's (1996) report reviewing the effectiveness of the Jury notes a number of points which can be seen to

diverge from ethical public participation and valid Citizens' Jury practice. For example, he recommends that Council only use the Jury method in future if it agrees to either "accept the recommendations of the Jury" or "when the purpose of a Jury is to outline options on an issue early in the process of consultation" (Cutler, 1996, p. 1). The report also states the juror selection process was not random as the MLR company selected jurors from their in-house list of people used for their regular market research practices. In addition, advertisements for expert witnesses were placed in the press a week before the event and the entire planning of the Jury was carried out hurriedly in only four weeks.

The evaluation report reveals a lack of knowledge, including the use of Jury findings and the sampling process for selecting jurors, about the methodology of Citizens' Juries. These and other points are reflected in some of the negative headlines of press articles and citizens's letters after the Jury event: "Citizens' Juries to be dumped by council" (Moran, *The Dominion*, 1996, July 4, p. 9); "Why waste money on consultation?" (Boswell, *The Evening Post*, 1996, June 4, p. 4); "Politicians disregard the popular will" (Trotter, *The Dominion*, 1996, May 17, p. 6).

Not only did the Wellington Jury organisers ignore established Jury planning procedures, they also neglected the established value conditions for any public consultation or public participation event (Hayward, 1997; IAP2, 1999). Edwards describes the outcome of this situation:

Not that it was a bad idea to ask citizens to help make the decision. It was simply that the council had already made its decision. So when the jury voted

12 to 2 not to sell Capital Power, the council proceeded with the sale anyway. Wellingtonians were left feeling their views didn't matter. The citizens' jury was not seen as a serious attempt by the council to consult with its voters (*Evening Post*, 1996, April 7, p. 7).

Anna Coote, deputy director of the London-based Institute for Public Policy Research (IPPR), which promotes and organises Citizens' Juries in Britain, agrees with Edwards. During a New Zealand visit she stated, "There is a way to have citizens' juries, which will not erode public confidence" and she proposed that the Wellington City Council did democracy a disservice as citizens' juries should not be used "simply as a new way of hoodwinking the public and raising expectations about being involved which are dashed" (Coote cited in Edwards, 1998, p. 7). An elaboration of this kind of situation by Heraud suggests Coote is right and that this Jury event could have been a public diversion tactic, from a decision already made the Wellington City Council, rather than a genuine public consultation effort:

The attempt to involve people in decisions occurs at a stage too far from the positions where power is actually held and once more the appeal to community only results in the avoidance of the real issues, that in commenting on social issues a means is found whereby attention can be diverted from the social structures (cited in Plant, 1974, p. 63).

## **Summary**

This chapter outlined the conditions, values and benefits of public participation and public consultation practice to community and organisational well-being. The conditions and values are shown to connect with the Citizens' Jury public deliberation method and result in similar benefits that also coincide with the core values for public participation practice espoused by the International Association for Public Participation Practice (IAP2).

The thesis data prescribing the action plan (to trial a Citizens' Jury) revealed no evidence of public participation practice or its core values in the activities of New Zealand press and broadcasting despite their compilation of community impact policies, such as practice standards for widespread dissemination by their media. A case study examined distinguishing features of the Citizens' Jury model and traced its ability to disperse elite social power from the democratic citizen consultation practiced in Ancient Greece to the present day use of Citizens' Juries in several countries.

In conclusion therefore, the value conditions and elements that prescribe the deliberative Citizens' Jury model, as explained by Fishkin (1991, 1995), the Jefferson Center, and the Independent Television Commission, and the conditions and criteria for public participation practice outlined by government legislation and the International Association of Public Participation, were adopted to assist the planning, operation, and evaluation of the Waikato Citizens' Jury project described in the chapters six, seven and eight respectively.

## The Waikato Citizens' Jury Action Plan

*I find news coverage of personal tragedy offensive at times and an invasion of privacy.  
I find some interviews offensive in the questions they ask and the implications of some  
of their questions.*

(NZ female, teacher, aged 40-44 yrs.)

*No, nothing I see or hear on TV offends me.*

(NZ Maori female, home-caregiver, aged 35-39 yrs.)

*I don't like to see rape, offensive language and child abuse on TV.*

(NZ male, dairy farmer, aged 40-44 yrs.)

*I realise that I have the option of the channel, mute and off buttons and that freedom  
of speech is a tenant of Western democracy but it saddens me that standards have  
declined from even years ago.*

(NZ male, student, aged 25-29 yrs.)

*Most offensive or controversial programmes are on late at night. However, I don't like  
advertisements that feel the word 'bugger' is socially acceptable in NZ.*

(Dutch female, secretary, age 35-39 yrs.)

*Nothing offends me on TV*

(Chinese male, electronic design engineer, aged 30-34 yrs.)

*I avoid watching programmes with violence and simulated sexual intercourse.*

(European male, poet and forester (also ex teacher, aged 55-59 yrs.)

(These comments are taken from the random sampling questionnaires returned by  
some of the 12 Waikato citizen jurors. See Appendix I for sample questionnaire.)



## **6.1: Data prescribing the Waikato Citizens' Jury project**

This chapter describes the planning steps for the Waikato Citizens' Jury project organised to create dialogue between television policymakers and a sample group of New Zealand citizens. The project was scheduled to take place from 2 to 4 July 1999 at the University Lodge facilities on campus at the University of Waikato in Hamilton. The action plan to hold a Citizen's Jury was an intervention strategy to demonstrate a method for media policymakers to engage in policy dialogue with citizens. Exploratory reviews of the action field of media regulation had revealed a historic lack of public participation in media policies due to a pattern of elite social power. The Waikato Citizens' Jury was initiated as Citizens' Juries had been successfully used overseas to gather citizen knowledge to inform a wide variety of policies including media regulation.

The data prescribing the action intervention revealed the group responsible for formulating the Codes of Broadcasting Practice in New Zealand was an elite insular decision-making circle. The policy dialogue circle included only those judged to have media governmentality. This was shown to be a contrast to the coercive actions of the Independent Television Commission in Britain, which engages in direct dialogue with grassroots citizens to establish community values and attitudes for its policies through events like Citizens' Juries (and other two-way dialogic events). The lack of public participation in New Zealand television's community impact policies was shown to be socially out of step and to be ignoring the numerous benefits available to organisations which engage in public participation practices and consultative dialogue with citizens.

The lack of interaction between television broadcasters and grassroots citizens - especially by the publicly owned Television New Zealand network - about policies with a widespread community impact can also be judged undemocratic. Any claim to citizen participation or community engagement by way of public opinion surveys was assessed as superficial and inaccurate due to their asymmetrical structure, elite agenda setting, and lack of opportunity for information sharing and deliberation.

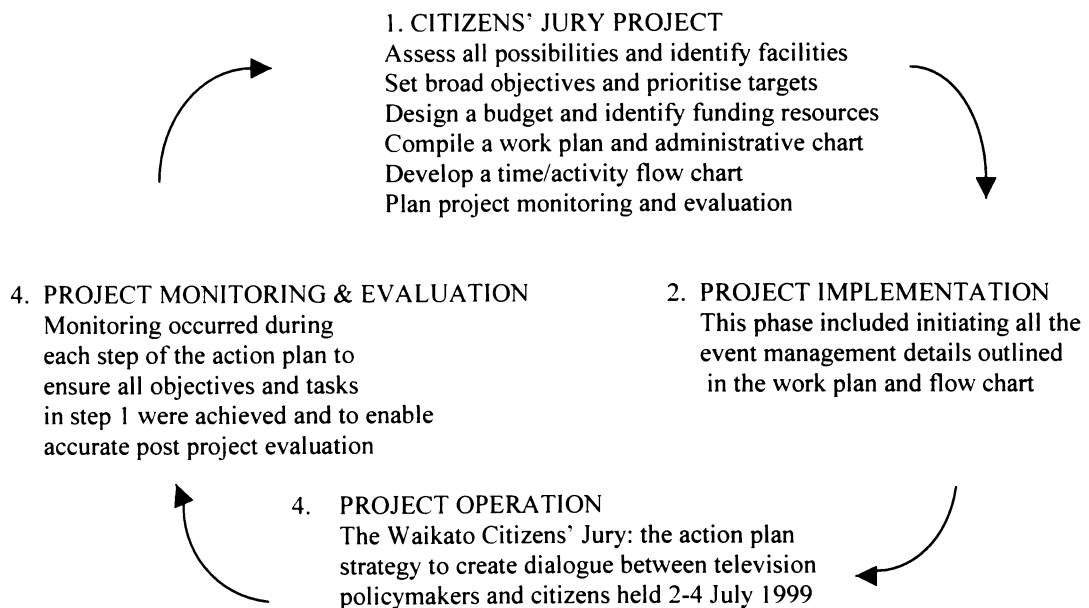
The topic for the Waikato Citizens' Jury was the "good taste and decency" Code of Broadcasting Practice for Free-To-Air television. This issue was chosen as the media reviews had disclosed setting this community standard to be a problematic decision for both press and broadcasting policymakers. Also, recent research commissions by the Broadcasting Standards Authority and the rise in complaints against the "good taste and decency" Code suggested there could be a mismatch between the present Code and community values.

The project management of the Waikato Citizens' Jury was a complex endeavour. The main planning steps involved in organising the Waikato Citizens' Jury are detailed in this chapter while chapter seven provides a summary of the project's agenda and the content of each presentation. The evaluation of the Waikato Jury project with its connections to the thesis hypothesis is discussed separately in chapter eight.

## 6.2: Designing and planning the Waikato Citizens' Jury project

The decision to organise a full Citizens' Jury programme to demonstrate a manageable citizen dialogue structure to New Zealand television policymakers involved a number of major planning steps as well as a multitude of small tasks. The planning steps ranged from designing a population sampling frame through inviting suitable expert speakers, and raising funds to cover the cost of the event to tasks like choosing catering menus, and hiring a video technician to tape the Jury sessions so that a record was available to accurately record and evaluate the event.

**The project management:** The management of the three-day Citizens' Jury event was complex and the arrangements necessarily detailed. A systems based approach with four phases was adopted for the project's management. This is outlined in Figure 5 below.



**Figure 5. Waikato Citizens' Jury Project Management Cycle**

The four phases in Figure 5 were expanded into a detailed time/activity flow chart to ensure all components of the Citizens' Jury methodology and event management tasks were included, activated and achieved by target dates. Due to a lack of space, and the need to focus on the purpose of the action research project, this chapter will discuss the activities that connect to the method components for a Citizens' Jury, rather than the many tasks that relate to the operational management of the event. The method components in the planning for the Waikato Citizens' Jury linked to the criteria outlined in chapter five for a valid Citizens' Jury, as explained by Fishkin, (1991, 1995) and the Jefferson Center. This chapter is designed to provide sufficient data to demonstrate how the Waikato project practice conformed to the theoretical design criteria for Citizens' Juries.

However, it must be stated that the satisfactory operation of the Waikato Citizens' Jury project was largely a result of the attention paid to the many small details of its on site management. These included providing all the material comforts for the participants and creating a physical environment and communication atmosphere conducive to the progress of the event agenda. The knowledge of how to successfully manage these details and the continuous event facilitation and participant relationship networking came from practitioner experience. The physical arrangements as well as the research objectives were all continually monitored and adjusted as required in line with the three primary research objectives for the Waikato Citizens' Jury action project. These objectives were:

- To trial a Citizens' Jury to demonstrate its methodological suitability to act as a policy consultation structure between NZ television policymakers and grassroots citizens;
- To assess the ability of the Citizen's Jury method to equalise social power between policymakers and citizens; and
- To gather a sample of community attitudes about the problematic "good taste and decency" Code of Practice for Free-To-Air television (BSA, G2 Code) to present to television policymakers.

Secondary objectives included an interest in the attitudes of a sample citizen group about the general regulation of standards in television services - due to a lack of citizen agenda setting - and the group's attitudes to the Jury topic to later compare with the results of the Citizens' Juries carried out into this same topic by the Independent Television Commission in Britain.

**The action plan:** The planning activities for the Citizens' Jury took place over a four month period from March 1999 through till the end of June 1999. The action plan involved a process of continual reflection and monitoring to achieve the most ethical approach and treatment for all involved parties in each action step. As an integrally involved action researcher my role included being the sole charge project organiser and acting as the on site manager and facilitator/moderator of the Waikato Citizens' Jury. The planning strategy for the Waikato Citizens' Jury had six major components. The six components did not happen sequentially, and at times their activity overlapped with other tasks, but they can be defined as:

- Ensuring ethical participant treatment;
- Selecting expert Jury presenters to ensure a balanced programme;
- Designing an evaluation programme;
- Carrying out sampling procedures and Jury member selection
- Compiling the Citizens' Jury agenda and arranging all event logistics; and
- Writing the Waikato Jury report and arranging its approval and distribution

### **6.3: Ethical considerations and the equitable treatment of participants**

**Participant consent:** At the heart of the Citizens' Jury method is the ethical treatment of all participants. Permission was gained from the University of Waikato Ethics Committee to involve human participants in the research programme (see Appendix A). A Jury participation and information release consent form was signed jointly by each of the 12 citizen jurors and the researcher at the introductory meeting prior to the Jury event. A copy of the consent form was given to each juror and the original copy retained by the researcher (see Appendix B, consent form sample).

**Citizen juror treatment:** When the 12 jurors were initially selected and approached an invitation letter was designed to provide sufficient information about the research project so they could make an informed decision about their participation. They were each asked to return a short form stating their interest. These invitation letters contained brief details about the physical arrangements for the event, the expert presenters and the researcher's name and phone number were listed for any questions. The event was presented as an opportunity for the citizen jurors to learn about television regulation and to interact with television broadcasters and others responsible for formulating programme standards policies. They were told they would have the opportunity to compile their own rules about the "good taste and decency" G2 Code of Broadcasting Practice and their decisions would be conveyed to television policymakers.

The invited jurors were also told all accommodation and catering would be provided during the Jury event and there would be a NZ\$200.00 fee payment at the close of the Jury for their attendance. The payment was intended to compensate them for any transportation costs or other minor expenses incurred during the event as their participation may have required leave from employment. It was also a gesture of appreciation for their time contribution and to ensure none of those selected would be financially unable to attend.

**Expert presenters:** The presenters invited to attend the Jury event were provided with full details about their participation role. An outline of the Citizens' Jury method was provided, the project's purpose, the topic, and the length and position of their presentation within the Jury agenda. Jury presenters from out of town were offered accommodation and they were included in the catering arrangements. No special or different arrangements were made for the presenters and some lively discussions took place at meal times between the jurors and the available presenters. No payment was offered to the Jury presenters apart from airfares. A gift and card was handed to each expert presenter in appreciation for their participation before their departure and later a complimentary copy of the Waikato Citizens' Jury Report was posted to each person.

#### **6.4: Selecting the Jury presenters and ensuring a balanced programme**

None of the 12 expert presenters who attended the Waikato Citizens' Jury had any experience of such an event but appeared intrigued by the concept. Some presenters stayed longer than just their speaking time to observe the progress of the event.

Several stayed to observe other sessions two stayed overnight and one stayed to observe the entire Jury event. In order to provide the citizen jurors with authoritative information about television standards and their operation, it was necessary to involve a number of official television experts. Their involvement involved the researcher spending a considerable amount of time negotiating in person, and by telephone and email, as well as calling upon professional contacts from her work as a practitioner.

Some invited presenters expressed fears that they could be “put on the spot” by the jurors. Two television standards representatives were hesitant about having their policies openly questioned face-to-face with a group of 12 citizens. Others liked the idea. In spite of assurances that there would not be any acrimonious arguments generated by the Jury structure, and my experienced facilitation skills, the TV3 and TV4 Ltd network representative who had accepted an invitation to speak at the Jury project withdrew shortly before the event citing this, and other factors, as reasons during a personal telephone call. She later sent a letter with details about their network’s programme standard and public complaint procedures, which was read to the Jury (see Appendix C). In addition, this network representative arranged for the Television New Zealand network spokesperson, David Edmunds, to represent their viewpoint if required.

## **6.5: Producing an impartial and balanced agenda**

Despite the work entailed, it was still a key action step, to carefully assess and select presenters to balance the programme topic and be informative, with diverse



viewpoints, for the jurors. The mix of presenters each related their material to the Jury topic of “good taste and decency” in television content and the setting of programme standards. In the course of the jury process, several presenters, often instigated by questions from the jurors, discussed a wider range of issues about television standards. The presented information included: broadcast television legislation and codes of practice; television network internal standards policies and their operation; the functions of the Broadcasting Standards Authority; various public complainant procedures and statistics; as well as local and international television research issues and personal opinions. The presenters each came well prepared for their presentations with a variety of video clips, overhead projector information and hand out materials. The presenters were positioned in the Jury agenda to progressively build the jurors’s knowledge of the topic to achieve informed deliberation and consultation about the topic.

The final list of 12 presenters included: the Television New Zealand network Programme Standards Manager, the Executive Director and the Research and Communications Manager of the New Zealand Broadcasting Standards Authority, a high school media studies teacher, three academic television researchers (specialising in children and television, televised violence and attitudes to women, and local research about televised sex content). The other presenters were a well-known media journalist, a television producer and director, a gentleman who had complained about a lack of “taste and decency” in a television item with experience of the formal complaint and appeal procedures, and two teenagers to ensure that the viewpoints of

youth were included. Younger children were not invited to be present and be questioned by the jurors due to the particular legal and ethical difficulties of involving those under 16 years of age (see Appendix D for the list of presenters at the Waikato Citizens' Jury).

## **6.6: Planning the Jury evaluation programme and its components**

Another early action step involved designing an evaluation programme for the Waikato Citizens' Jury project. Different objectives required different components to later evaluate the action research project's methodology and the Jury's deliberation about the topic. Different components were formulated: to track any attitude changes to television standards by the jurors; any increase in their topic knowledge from the jury information sharing process; and to document their opinions about the effectiveness of the Citizens' Jury method. The resulting evaluation programme had three phases.

The first phase involved each juror completing a questionnaire prior to their participation in the Citizens' Jury and the second phase included two questionnaires at the close of the Jury event. The third evaluation phase continued throughout the Jury event and involved the video recording of each Jury session to ensure there was an accurate account of the Jury proceedings, especially the dialogue between the participants. This was an essential step because of my roles as project researcher, organiser and facilitator/moderator. It was easy to predict that I would sometimes have different competing claims on my attention during the event and would require the evaluation

elements to be in place prior to that happening. After the event, the videotapes proved particularly useful in enabling the extraction of exact dialogue comments to include in the Waikato Citizens' Jury report.

**The Evaluation questionnaires:** The jurors each completed three evaluation questionnaires that were internally variable in question type and within a variable survey format. The format of the questionnaires followed the flow of subjects to encourage greater issue concentration rather than a set funnel survey method according to question type. The research coordinator administered all three questionnaires. An adequate amount of time was allowed for the juror respondents to complete them at their own pace. The first questionnaire was handed out when the jurors arrived at the introductory meeting on 19 June 1999. It needs to be emphasized that these were completed before the jurors were given detailed information about the Jury event or handed the information folder about the Jury topic. This first questionnaire began by asking for demographic information in five different categories to judge the sample group's diversity. These categories were carefully worded in a manner similar to Census data rules to lessen any non-responses through possible concerns over privacy. Both open and closed questions were asked with the aim of assessing the jurors's foundation knowledge about the regulation of television content; the operation of the statutory Broadcasting Standards Authority; and their opinions of who should regulate television content. Other questions used a range of techniques including multi-choice, rating, ranking scale, and check list types (Wimmer & Dominick, 1997).

Some questions were replicated from the Citizens' Jury questionnaires of the British Independent Television Commission. These asked for opinions about different types of television content to gain an understanding of "taste and decency" attitudes between the British ITC juries and the New Zealand Jury for another research cycle. Other questions were intended to evaluate the operation of the Citizens' Jury (see Pre Jury questionnaire and results, Appendix E.). Permission was sought from the Independent Television Commission (ITC) to replicate questions from their 1997 Citizens' Juries on "good taste and decency" as, with the same topic being deliberated by New Zealand citizens, I planned to compile, as a further research cycle, an international comparison. This permission was granted by Jane Aldridge, a Senior ITC Research Officer.

The second and third questionnaires were completed at the close of the Citizens' Jury, after the jurors had finished their topic deliberation time. The second questionnaire replicated questions from the first questionnaire to track any attitude changes to the topic and any knowledge increase about the regulation of television programme standards from their Jury participation. It again replicated some of the ITC questions. It also asked for their individual opinions about the regulation of television standards, for any comments, and whether they agreed with the Jury results (see Post Jury questionnaire and results, Appendix F). The third and final questionnaire was designed to evaluate the jurors' opinions of the Citizen's Jury methodology as a useful model for consultative dialogue between policymakers and grassroots citizens. This

questionnaire used similar types of questions to the first two and again replicated some ITC questions (see Jury Evaluation questionnaire, Appendix G).

### **6.7: The random sampling process and selecting the Jury panel**

To be considered a valid Citizens' Jury a chosen population base has to be randomly sampled. Credibility arguments between quantitative and qualitative procedures relating to sample size were not an issue as the Jury method encourages a process of stratified sampling and offers precise arguments relating to political equality and non tyranny from the two way deliberative dialogue of Jury sample groups. A review of the benefits of sample size in relation to results and project constraints was made for interest and any effects on the sample outcome from increased size were found to be minimal (Deacon, Golding, & Murdock, 1999; Wimmer & Dominick, 1997).

**Privacy issues and other constraints:** A complete stratified sampling process held potential limitations for this pilot Jury project as privacy legislation and rules are strictly adhered to/acknowledged in New Zealand with public awareness of privacy principles and their ethical connection on the increase in recent years. It was therefore considered necessary to work around such a potential complication and adjust the sampling method while still ensuring a credible random method was created. The three concerns of any sampling process - error, size and non-response - were considerations (Deacon et al., 1999, p. 41). Other legitimate factors for consideration were budget constraints, appropriate event facilities being available on campus at the University of Waikato, and the Citizens' Jury being a pilot research project (Wimmer

& Dominick, 1997). Due to the privacy constraint factor the random sampling questionnaire did not seek any personal demographic information in order to lessen the non-response rate. The jurors selected from the random sampling process could therefore not be considered representative of the sample population in any particular category, or the New Zealand population, as in a “stratified” Citizens’ Jury group sampling process.

**Statistical representation:** The chance of jurors being representative units of the entire population, however, was increased by their being selected from three local authority areas in the Waikato Region because the region is characterised by a demographic of rural, small town and city population residents. Population statistics from the 1996 Census were comprehensively examined and the selected sample population size was found to fairly reflect national Census statistical and lifestyle demographics.

Census statistics were compared in three descending levels to the chosen sample population size. For example, according to the 1996 Census, New Zealand’s total population in 1996 was 3,618,303 with a slightly higher number of women than men (i.e., 1,840,842 women and 1,777, 464 men). The total Waikato Region population is listed as 350,125 with a slightly higher number of women than men (i.e., 176,442 women and 173,685 men). The total combined population of the three Waikato Region areas - Waikato District, Waipa District and Hamilton City - comprising the

sample population size from which the citizen jurors were recruited is 186,420 with again slightly more women than men (95,364 women and 91,056 men).

Five demographic categories of sex, ethnicity, age group, employment status and household composition were also explored in a similar manner and statistically compared to assess representation and the structuring of a sampling framework (see Appendix H1-H4). Percentage assessments were made from these five categories against the population statistics. The results from this statistical layering process suggested that, in spite of the potential privacy complications and other constraints curtailing the initial stratified sampling procedure, the Waikato citizen jurors were a representative population group.

## **6.8: Choosing the population base and inviting the Waikato jurors**

Defining the population size to sample was made after assessing the statistical benefits and effects, the available resources and the constraint factors. The decision was made to select 12 jurors from the combined electoral rolls of three Waikato local authority populations: Waikato District, Waipa District and Hamilton City. These three areas have a combined population of 186,420 people, that is 5.152% of the total New Zealand population (1996 Census, Regional Summary).

**Sample questionnaires:** Two hundred people in this population base were each sent a basic sampling questionnaire, which opened with a filter question (see Appendix I).

Two hundred names were selected randomly from the electoral rolls for the Waikato

District, Waipa District and Hamilton City areas by a simple matrix system of dividing their total number of pages proportionately according to the percentage of names (based on each area's population) and then alternating choosing a name from the top and bottom of the relevant pages. By this simple system a total of 42 questionnaires were mailed to residents in the Waipa and Waikato Districts and 116 to Hamilton City residents. If postal details were incomplete for a selected individual further searches were made in other electoral lists to complete the addresses. Any employment details listed alongside names were noted in order to assist the sampling frame for juror selection and each questionnaire was numbered according to the number placed by each name to enable later address identification and invitation.

**Sampling response:** The simply worded one page questionnaire had an introductory letter attached with a return deadline date and a stamped addressed envelope enclosed to lessen the non-response rate. The first questionnaires were received back within a few days of their posting and within two weeks 95 of the 200 questionnaires had been returned. One hundred and three sampling questionnaires were returned by the target close off date of 31 May 1999. This total included 19 envelopes addressed "return to sender". The overall response rate of 42% was not dissimilar to the 35% response norm listed by Looney (1991), (cited in Frey, Botan, Friedman, & Kreps, 1992). Of the 84 returned and completed questionnaires 25 people had ticked the question box that they would be available to attend the Waikato Citizens' Jury. This question was included, as Jury participation required a citizen juror to be available from noon on Friday 2 July through till approximately 3pm on Sunday 4 July 1999.



**Juror invitations:** An initial list of 12 people were sent Jury invitation letters on 3 June 1999 but, due to the unavailability of four of these people, another list of invitations had to be compiled. By the end of the invitation process 24 of the 25 people who had initially expressed interest had been approached. However, this list changed again shortly before the Jury date due to one member being rushed to hospital for an urgent operation and two others having to drop out for family reasons. Phone calls were made to ensure the other jurors were still available and last minute replacement invitations were made. The final Waikato Citizens' Jury had six women and six men. The 12 Waikato residents ultimately invited represented a diversity of age groups, ethnicity, employment, and household composition (see Appendix J, Waikato Jurors Profile List).

## **6.9: Summary**

This chapter provides details about the planning components required to organise the three-day Waikato Citizens' Jury action project. It explained aspects of privacy and ethical considerations, evaluation procedures, presenter selection, programme balance, choosing the sample population, and the random sampling process used to select the 12 citizen jurors. The planning components each related to the characteristics of the Citizens' Jury method defined in chapter five. The chapter references a number of appendixes to demonstrate the depth of planning carried out for the Waikato Citizens' Jury project and to provide a bank of verifiable data.

## **The Waikato Citizens' Jury 2 - 4 July 1999**

This chapter presents a summary of the three-day Waikato Citizens' Jury project. It began when the 12 selected jurors were invited to an introductory meeting on 19 June 1999. The Waikato Citizens' Jury agenda began at 2pm on Friday 2 July 1999 and concluded after the Jury panel had presented its findings at 3pm on Sunday 4 July 1999. The project was organised as a residential retreat with the 12 jurors accommodated at the University Lodge next to the Jury seminar room, on campus at the University of Waikato. During the sessions presenters spoke directly to the jurors without any separately appointed session moderator intervening (see Figure 6).



**Figure 6.** The seating arrangement decided by the jurors for the Waikato Citizens' Jury event. Rose Macbeth, the research coordinator, explains the agenda while a PrimeTV cameraman films the Jury opening for a news item.

As illustrated the 12 members of the Jury panel sat in a semi-circle enabling them to fully see each other and the presenters in front of them. The Jury members decided on this seating arrangement at the introductory briefing meeting on 19 June 1999.

During the project my role as the project coordinator could be described as “laissez faire” (Hybels & Weaver, 1992, p. 236) as I deliberately arranged the event so that I would have very little involvement once the Jury event began. However, though preferring to adopt a “laissez faire” approach I was constantly monitoring the project’s progress and being generally supportive to the participants. My in-the-background role encouraged the two Jury participant groups to interact directly with each other to share information and opinions. This in turn created a greater degree of independence as most public participation events and methods, whether focus groups or Citizens’ Juries, include moderators or chairpersons. As the research coordinator, I introduced each presenter to the Jury group and facilitated the two evening sessions but otherwise continually played the “project minder” role. This included providing any general assistance the participants required and arranging details like the catering so the project timetable ran to schedule. The three-day agenda had morning, afternoon and evening sessions (see Appendix K, Waikato Citizens’ Jury Agenda).

Some questions and comments made by the jurors during the sessions are listed after each presentation summary as an “interpretative commentary” (Stainback & Stainback, 1988, pp. 81-82) of each session. They demonstrate, firstly, that the jurors understood the information being explained by each expert presenter and were able to

interact with the material. This is considered important because a Citizens' Jury takes it for granted that citizens with only some brief prior topic handout material will be able to digest complex information. This assessment of a citizen's ability differs from other public participation research methods where a speaker or topic issue will often first be tested as appropriate for a particular group and its demographic make up, perhaps in a focus group, and adjustments made. Secondly, and perhaps most importantly, the jurors's comments are listed in their original spoken unedited form so they "speak" for themselves unaffected by another's interpretation (Luthar, 1993, p. 49).

The diversity of comments listed after each session summary in this chapter also illustrate, for example, jurors took different stances towards the expert information, analysed it sufficiently to offer practical amendments to programme regulations, and were confident enough to criticise the information at times and even disagree with the experts. Some questions made by the jurors are also listed to demonstrate they successfully digested the professional complexity of the topic material. This is illustrated by their many questions seeking either a greater depth of information about an issue, and extending, or even linking an issue to other issues they believed connected. On some occasions jurors suggest an alternative method for the experts to handle an issue and are disapproving of the behaviour of television professionals who operate without any practice knowledge of programme regulations. Comments are included to illustrate these attitudes as well.

Finally, the lack of editing, and interpretation, of the jurors's comments is considered an ethical decision in line with the high regard taken towards the invited citizens participating in the research and the objectives of this particular project. Throughout this project's planning, and operation it was a deliberate decision to treat research participants and their material in a more equitable manner than are exhibited by the asymmetrical norms of public opinion polls and commercial commissioned research discussed at various stages in this thesis. The purpose of this project was primarily to trial the Citizens' Jury methodology and its ability to solve the lack of public dialogue informing media policies and not to analyse the reception of the topic material, though this could be an additional project at a later stage with the material now available. The jurors's comments were verified as correct by viewing the video record of each session.

### **7.1: The introductory briefing meeting held before the Citizens' Jury**

This meeting explained the purpose of the Citizens' Jury and the design of the project event. It also gave the jurors an opportunity to meet the research coordinator and the other members of the Jury panel. Eight of the twelve jurors were able to attend this meeting. They each completed their first Jury evaluation questionnaire and were briefed about the Jury project arrangements and a tour was made of their accommodation and meeting facilities.

Other items reviewed at this meeting included the agenda for the three-day project, the session presenters, the types of television clips they would be watching, the catering

arrangements, the video recording of the Jury sessions, and the possible visit of a documentary crew and other media representatives. In addition they were each given a folder of background material and invited to ask any questions. The information folder contained: a two page outline about the Broadcasting Standards Authority (BSA); a leaflet about making formal broadcasting complaints; a copy of the Codes of Broadcasting Practice for Free-To-Air television usually mailed by the BSA to complainants, a set of BSA complaint decisions relating to television items they would view; and a copy of the Citizens' Jury agenda. A map of the university campus, parking facilities and a copy of their meal menus were included.

The jurors were interested to know how they had been selected and some required reassurance that they would cope with the official information that would be presented and discussed. Reassurance was provided and I explained how important their own experience and knowledge about the topic was to the project. Several jurors mentioned they had friends who were envious of their selection and wished they could also be involved and that the project was of great interest to their families. By the end of the introduction meeting the jurors were happily conversing together over refreshments and reluctant to leave the venue. Arrangements were made to meet the four absent jurors. They were each given the same folder of material, event explanations, and courtesy refreshments. They also each completed the first questionnaire.

## 7.2: Day one, afternoon session

The first session introduced details about the regulation of standards in New Zealand broadcast television and what is considered acceptable, and not acceptable. Experts from the television industry and the Broadcasting Standards Authority explained their regulatory roles and procedures.

**Presenter no.1:** Mr David Edmunds, the Programme Standards Manager for Television New Zealand Ltd (TV One and TV2 channels), was the first speaker. He was also present as the representative of the New Zealand Television Broadcasters' Council and spoke on behalf of the other free-to-air broadcasters. (TV3 and TV4 CanWest channels and the Prime TV regional stations.)



**Figure 7.** David Edmunds, Programme Standards Manager for Television New Zealand Ltd, outlines programme regulations to the Jury panel.

Edmunds began his presentation by explaining the different functions of his position and his responsibilities at TVNZ. He outlined how public complaints were received and dealt with in-house as well as his role of complaints manager and that of the Television New Zealand appraisers in setting programme standards. He then discussed various content regulation problem areas, outlined the obligations of the broadcaster in relation to the Broadcasting Standards Authority, and concluded with a

number of general observations about changes in television standards over the years.

Edmunds was for many years a television news journalist and is the present chairman of the Journalist's Training Organisation. He described some of the special problems television news journalists face in their daily work routine. Questions and comments made by jurors included:

- *The whole system is not very customer-focused. The fact complaints must be made in writing to be formally considered is a limiting factor.*
- *Can't the hundreds of complaint phone calls received per day by a broadcaster be collated and considered in some way? The 54 formal complaints that end up going to the BSA cannot reflect overall audience views.*
- *How do you process a complaint about programme quality?*
- *Are those who phone in invited and given information how to make a formal complaint?*
- *How much influence, if any, do viewer complaints have on a producer or programme?*
- *I made a phone complaint to TVNZ, was told someone would call me back but no one did.*
- *How does TVNZ assess audience opinions about current programme standards?*

At the close of this first presentation I read a letter to the Jury from Di Winks written on behalf of the Standards Committee at TV3 Network Services Ltd and TV4 Ltd (see Appendix C).

**Presenter no. 2:** Dr Michael Stace, Executive Director, of the Broadcasting Standards Authority, first outlined the role of the statutory government body, and its different functions. He then discussed some of the factors that have led to New Zealand having the most deregulated broadcasting environment of any country in the world. These factors included license tendering; the lack of restrictions for cross-media ownership and advertising minutage, and the lack of minimum local programme quotas. Dr Stace explained how the BSA was designed to be a voice for the consumer but was



essentially a broadcasting complaints-driven appeal authority. He also described how broadcasters were responsible for developing and reviewing the codes of broadcasting practice, and gave details about the membership of the BSA, its regulatory functions, and the assignment of penalties against broadcasters breaching the standards.



**Figure 8.** Dr Michael Stace, Executive Director of the New Zealand Broadcasting Standards Authority (BSA) speaks to the Jury panel

Questions asked by jurors included:

- *How much advertising is allowed per hour?*
- *Who issues broadcast licenses in New Zealand?*
- *What restrictions are there on ownership?*
- *With such small penalties imposed there does not seem to be a lot of incentive for the public to complain or broadcasters to comply?*

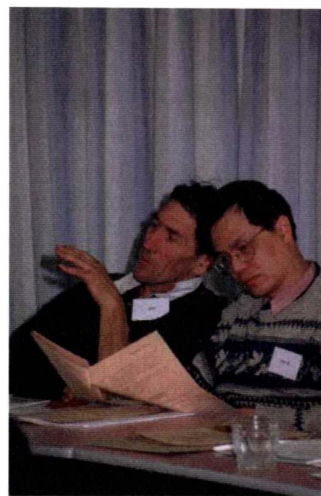
**Presenter no. 3:** Dr Wiebe Zwaga, the Research and Communications Manager for the Broadcasting Standards Authority spoke about how the BSA was now regularly commissioning research of audience opinions about television standards. Dr Zwaga provided statistics about complaint categories and geographical information about complaints and complainants. He also reviewed for the Jury panel the results of a *Good Taste and Decency* research project carried out in April 1999. This research

assessed public attitudes about the acceptability, or not, of some so-called offensive language. Questions asked by jurors included:

- *Was the context of a so-called offensive word included in the taste and decency research?*
- *Is there any research on the number of young children still watching TV after the 8.30pm AO watershed?*
- *Has there been any research to establish whether the 8.30pm magical watershed time is appropriate - especially with NZ television screening AO material earlier than other countries?*
- *What does the BSA think about all the AO material on screen daily during weekday afternoons (soaps and talkshows) that can be viewed by young children?*



**Figure 9.** Jurors read about the Codes of Broadcasting Practice



**Figure 10.** A juror puts a point to Dr Zwaga about the Authority

### **7.3: Day one, evening session**

During this session the Jury viewed a series of television items that had attracted formal complaints to the Broadcasting Standards Authority. Each juror had copies of the BSA complaint decisions and copies of the Codes of Broadcasting Practice with the standard principles relating to the complaints. All the video complaint items linked to the “good taste and decency” Television General Programme Standard (G2) code, which is designed:

To take into consideration currently accepted norms of decency and taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs (Broadcasting Standards Authority, 1996).

Jurors were first asked to note their own decision on a form as to whether they thought the televised item should, or not, have been shown. They then discussed the item, its timeslot, standard policy code and other details they thought relevant. The six television complaint items viewed were:

1. TVNZ *Water Rats*, programme promo, BSA decision no: 1999-011
2. TV One *Holmes*, Jim Rose Circus, BSA decision no: 1998-088
3. TV2 *Dharma and Greg*, BSA decision no: 1999-026
4. TV2 *Havoc*, music video “Smack My Bitch Up”, BSA decision no: 1998-165
5. TVNZ *Human Body*, programme promo, BSA decision no: 1999-020
6. TV3 *News* (6pm) arrest Headhunters gang members, BSA decision no: 1999-046

(see Appendix L, for an outline of these formal public complaints and BSA decisions).

This screening session encouraged the jurors to use the information they had heard from the expert speakers during the day to make their own regulatory decisions based on the Codes of Broadcasting Practice. The jurors had no problems relating the context of each screening to the Code and the formal complaint decisions. There was a full and frank discussion about each item with jurors’s opinions ranging from “*there is nothing wrong with that*” to “*the violent imagery in the language is more offensive than the nudity*” to “*that is pretty gross and not ever acceptable*” and “*but it was on late at night and in a programme where that kind of thing could be expected*”.

The discussions about the various items generally turned to more liberal viewpoints when jurors considered the need to regulate for a mass television audience, instead of themselves. However, the first notes on the jurors’ forms revealed that, when initially

assessing the television complaint items, all jurors considered that some violated the “good taste and decency” Code and should not have been broadcast.

#### **7.4: Day two, morning session**

The second morning session had a variety of speakers presenting different opinions about the right to be offended, television structure, standards, and research issues. The focus for the day’s programme was: Why regulate? What should we regulate?

**Presenter no. 4:** Dr Geoff Lealand, Head of Department and Senior Lecturer in

Screen and Media Studies at the University of Waikato opened the session. He spoke about how it is not possible to always please everyone as taste and decency is a case of opinion rather than facts. He suggested that taste and decency is not really an issue to New Zealanders, that it is an outmoded concept, and that issues like bias and right of reply in news are more important. Dr Lealand also suggested the jurors consider debating larger issues like the amount of advertising per hour and the blurring of infomercials and programmes on our television screens. He then invited the jurors to consider how representative so many of the trivial complaints to the BSA are as a body of public opinion and how it is important that new intellectual and sometimes controversial ideas entering the public forum are not restricted or silenced in any way.

Comments by jurors included:

- *We are concerned here with the need for appropriate standards and those people who may need protecting, which is a helluva of a thing to say, with regard to violence and some sexual material. New ideas don’t come into this scenario as far as I’m concerned.*
- *I think some material (like South Park) does have an effect on young children because just seeing that kind of behaviour on screen makes it that bit more acceptable.*
- *My children have told me about the nightmares they suffered after they sneaked out and saw something that was rated not suitable for their age group.*

**Presenter no. 5:** Ms Helen Martin, a Media Studies teacher at Westlake Boys' High School discussed two press reports, which offered no proof, blaming television images for bad behaviour in young people. She presented the results of a survey she had carried out with 62 of her students aged from 14 to 18 years. Martin said the results they wrote individually and privately in response to her questions were more conservative than what they said publicly in front of their peers. She pointed out that there was a great deal of bravado, especially amongst boys, and a great deal of pressure on them to support a particular stance.



**Figure 11.** Jury presenters at front table from left to right: Dr Geoff Lealand, Mr Paul Smith, Mrs Helen Martin and Mr Chris Watson.

The surveyed students stated they believed younger children needed protection from some television content. The students also wanted restrictions on television content showing sexism, sexual abuse, pornography, racism, alcohol and cigarette advertising, violence, showing dead bodies on news, swearing, using sex to sell things, showing a positive view of illegal activities, invading people's privacy, and nudity. Questions from jurors included:

- *How can you be sure the students' answers are really theirs and not what they think they should say?*
- *As adults our responses would vary quite a lot. Don't children tend to say what we would like them to say?*
- *I can remember my own interest at their age in sexual details but your survey results seem to go against a boy's natural interest in sexual items?*

**Presenter no. 6:** Mr Chris Watson, a Senior Lecturer in English and Media Studies at Massey University began his presentation by reviewing for the Jury panel the philosophical world-view behind the belief that so-called vulnerable or impressionable people of society need protecting. Different methods of television research were summarised and he suggested any media effects remain unproven. Watson outlined two research projects he had carried out for the Broadcasting Standards Authority. The first analysed the portrayal of sexual acts and images on three television channels during a week in 1991. The second project undertaken in 1993 used focus groups to gather public attitudes about a documentary programme called *Sophie's Sex*.

**Presenter no. 7:** Mr Paul Smith, a freelance journalist and media commentator told the Jury panel about the many legislative and ideological changes to the structure of television broadcasting, especially since the introduction of the 1989 Broadcasting Act. He discussed the impact of these changes on Free-To Air television and how these now affected television standards for viewers. Smith challenged the Jury to consider other standards in New Zealand television like issues of ownership, advertising, programme quotas and funding, and to think about whether broadcasting should be treated as just another market commodity. He concluded by stating he believed there would be no real competition for viewers in New Zealand's all-commercial television environment until a non-commercial television channel was



established, and that problems with programme standards were essentially generated by the present broadcasting structure. Comments and questions from jurors included:

- *Regarding the affordability of having a public channel – we are always told it is too expensive or we are too small a population to support one.*
- *Why aren't there more good current affairs interviewers like Kim Hill (from National Radio) on TV?*
- *Is there a time limit on overseas owners having New Zealand broadcasting rights?*

### **7.5: Day two, afternoon session**

The afternoon session of day two provided the Jury panel with opinions about programme standards and public complaints from a television producer and different aged citizens. There were also two presentations about research attitudes to children and the screening of violence and women.

**Presenter no. 8:** Ms Jill Graham, a freelance television producer and director was asked whether she considered content standards while making programmes. She told the Jury she was now more aware of issues regarding standards since a formal complaint appeal was upheld by the Broadcasting Standards Authority about the music video (*Smack My Bitch Up*) screened on *Havoc*, a show that she produced.



**Figure 12.** Jill Graham speaks to the Jury panel. Presenters sitting from left to right: Dr Geoff Lealand, Canon Gerald Hadlow, Amanda Hayes and Inez McCaughan

Graham stated she had known the video could be a problem so had portions deliberately but humourously censored. She said she thought that because the show was one that pushed boundaries anyway, screened to a music orientated teen audience and was scheduled at 10.30pm, that there wouldn't be any problem with the content. Graham also discussed the background to another complaint upheld about a television current affairs programme. Questions asked by jurors included:

- *Did you make the decision to screen the video without talking to anyone about it?*
- *Would you consult someone about standards issues in future?*
- *From what I see of the TV industry you are all protecting each other and the industry sets and administers the standards. If a company you worked for knew a complaint penalty could be high enough to put them out of business would you still push the boundaries?*
- *What do you think your company's attitude is to public complaints?*
- *Do you always want to push the boundaries in a programme?*
- *Did you think the censoring of some images on the video was funny?*

**Presenter no. 9:** Dr Geoff Lealand next spoke about research into children and television content. He told the Jury there were two questions to consider: do children, like adults, have the right to be offended and be protected from offence? He stated that it was strange children are rarely asked for their thoughts about television images and programmes when they are the ones thought to be most in need of protection. Dr Lealand suggested the jurors remember that childhood was often a construction by others for children. A video clip of a research project about children's attitudes to television carried out by the Australian Broadcasting Standards Authority was shown to the Jury. Dr Lealand explained the research findings showed that children were discerning and active viewers with specific items they didn't like to watch.

Questions asked by Jurors included:

- *What do you think was useful about this research?*



- *Don't you think the research shows the images have more to do with ratings than standards?*
- *Could peer pressure have influenced the children's answers?*
- *Don't you think the barrage of media images forces children to grow up faster nowadays?*
- *It seems the results show that children don't want to be shocked.*

**Presenter no. 10:** Canon Gerald Hadlow appeared before the Jury as a citizen who had experienced the process of making a formal complaint to a broadcaster and then a complaint appeal to the Broadcasting Standards Authority. (The Jury had already viewed his complaint item about the Jim Rose Circus, screened on *Holmes*, TV One.) Canon Hadlow gave the background to his complaint and the reasons he persisted with the lengthy Broadcasting Standards Authority complaint appeal process. He said the decision of a majority of the BSA not to uphold his complaint was a demonstration of the social changes in our community as the item was very offensive. He also spoke about how there used to be a common view of standards but this had been displaced over the last ten years or so by a new code of ethics that seems to prohibit anyone from suggesting their code is better or worse than anyone else's. Canon Hadlow concluded by suggesting it was time for the BSA to be restructured as a large number of television programmes now include warnings about unwholesome content.

Questions and comments by jurors included:

- *How many times did you have to write a letter?*
- *We watched the item and felt it wasn't news as much as a publicity stunt. The motives behind it being screened should have been questioned and it was really about ratings.*
- *Ratings is really the bottom line isn't it behind so much mass driven TV items like this?*
- *I think having watched the item last night the general feeling was the programme was not entertainment. It could've had a detrimental influence on young children who could copy lifting heavy items with their penis. The verbal descriptions were more offensive than the images and repeated unnecessarily three times.*

- *It could've been a three-minute segment instead of being given the extended coverage it was.*

**Presenters no. 11 and no. 12:** Hamilton high school students Amanda Hayes and Inez McCaughan did a joint presentation. Instigated by questions from the Jury panel they talked about the kinds of television programmes they, and other 16 and 17 year olds, like to watch, and their reactions to different types of television content. The two students explained various teenage attitudes to programmes presently on screen in New Zealand and debated vigorously with the Jury members the merits of music videos, and sitcom and talk shows. The students both stated in answer to jurors's questions that they would restrict the viewing of their own future children and said they thought items that shocked and horrified them when younger were now available to an even younger age group nowadays. Questions asked by jurors included:

- *Do most of your friends also prefer not to watch items that are too emotional and intense?*
- *Have you seen any programmes with sex in them that have offended you?*
- *Do you think this downward trend (more graphic images available to those younger nowadays) leads to desensitisation in young people?*
- *In your opinion are teenagers likely to copy things they see on TV?*
- *What do you think the adult only time should be on TV?*
- *As time goes by and standards change how would you handle TV viewing for your children?*

**Additional afternoon presentation:** Dr Kay Weaver a communication lecturer at Waikato University had carried out research for the British Broadcasting Standards Commission about the reception of violent screen images on women. She was unable to be present but provided a ten minute sound tape of her opinions for the jurors to hear. Dr Weaver explained academic theories about media effects and discussed the frequent confusion between regulating television standards and the freedom of speech

debate. The Jury panel also watched a video clip she had provided about research into the changed attitudes of young men to women after watching screen images of sex and violence, particularly images that victimised women.

### **7.6: Day two, evening session**

For this last information session the Jury panel convened to watch a BBC television item about the ethics of screening news material filmed in violent and war situations. They also viewed a series of television programme segments that had been altered by TVNZ programme appraisers to comply with the current Codes of Broadcasting Practice standards. The jurors were able to view the unedited and edited versions of each segment. The objective behind this screening was to reveal some of the standard dilemmas about news coverage, allow the jurors to make their own regulatory assessments of television content, and again discuss broadcasters's standards in relation to the Codes of Broadcasting Practice. The segments were all taken from actual televised items. They included: *Picket Fences*, *Dr Quinn Medicine Woman*, *Doctors to Be*, *She Woke Up*, *A Passion for Murder*, *Return of the Black Dragon* and *In the Line of Duty: Ambush at Waco*.

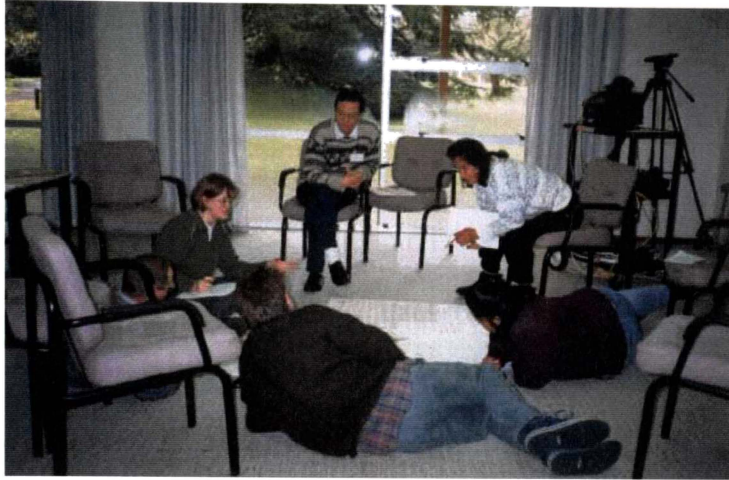
### **7.7: Day three**

On day three the Jury panel consulted about the many regulatory and content issues they had heard about from the expert speakers before producing a set of guidelines for regulating television standards and "taste and decency" issues. No facilitator was used during the final deliberation process but, as the project coordinator, I was available if assistance was required.

The jury members throughout the programme had been encouraged to speak their opinions, ask questions, and focus on debating the issues, rather than on any particular personality issues. The group demonstrated courtesy and consideration towards each other's views at all times while still fully, and at times heatedly, arguing various viewpoints. This equitable consultation atmosphere session had developed during the first session with basic guidance from my own past consultation experiences.

For this last session the Jury panel was invited to structure how they would like to arrange their own deliberation time and it was suggested they could try small groups, stay together, or adopt any other option. The jurors unanimously chose to break into two small groups of six for a two-hour morning session in separate rooms and then reconvene as one group after lunch. Each small group had an equal number of men and women and a person in each group was delegated to write their deliberation points on large sheets of flip chart paper.

During this session I sat listening to the consultation of the two groups alternately and recording some of their discussions but did not participate. The two deliberation groups had independently chosen different approaches. While one group chose to brainstorm all the issues from the various sessions the other group systematically prioritised different topics after discussing them thoroughly.



**Figure 13.** Group A brainstorm different opinions about the “good taste and decency” Code and other television issues



**Figure 14.** Group B prioritise and discuss their different opinions about television standards and other topics

After lunch the two small Jury groups reconvened as one group to discuss their topic deliberation and the decisions they had each made with the aid of their note sheets. The noted issues were discussed fully to everyone’s satisfaction and written down by a juror for final consultation and approval. This full jury group deliberation took nearly another two hours. The result was a number of unanimous decisions and specific recommendations about the present regulation of standards for Free-To-Air television

content and a set of principles and conclusions about the structural organisation of New Zealand television services. The members of the Waikato Citizens' Jury all felt strongly that the present structure of television organisation, and having only commercial channels in New Zealand, were implicated in determining current television programme content and "taste and decency" standards.

### **7.8: The Waikato Citizens' Jury Report, approval and distribution**

The final action step of the Waikato Citizens' Jury was completed by myself on behalf of the citizen jurors. A draft report of 48 pages was compiled and a copy posted to each of the 12 jurors for any corrections and comments a month after the event. The report was to be presented to key television policymakers. It contained a two-page summary of the unanimous conclusions and recommendations of the Jury members about the operation of the "good taste and decency" Code of Broadcasting Practice and a number of issues relating to television standards (see Appendix M). The report also included a summary of the Citizens' Jury design, event arrangements, agenda sessions and a brief evaluation commentary. The results of the first and second Jury evaluation questionnaires completed by the jurors were attached. No report corrections or additions were requested. Fifty copies of the report were published with a presentation cover (see Macbeth, 1999). A copy was sent to each of the 12 citizen jurors and a photo of the Jury group was enclosed as a memory of their participation in the project (see Figure 15 next page).



**Figure 15.** The group photo sent to each citizen juror with a copy of the Final Waikato Citizens' Jury report by the research coordinator. In this photo the 12 jurors stand with the research coordinator (Rose Macbeth centre front) at the close of the action project on Sunday 4 July 1999.

The report of the Waikato Citizens' Jury was then presented on behalf of the Jury panel to The New Zealand Television Broadcaster's Council, The Broadcasting Standards' Authority, programme standards managers at Television New Zealand Ltd, TV3 Network Services and TV 4 Ltd, Prime TV and a representative of the Screen Producers and Directors Association. Two copies of the report were also sent to the Minister of Broadcasting, Hon. Marion L. Hobbs.

On 10 November 1999, during a trip to London, I delivered courtesy copies of the project report to the Independent Television Commission (ITC) in London. These were given to Ms Pam Hanley, the Senior ITC Research Officer, who supervised the organisation of the two ITC Citizens' Juries on "taste and decency" in commercial television programmes in late 1997. Our ensuing discussion covered many aspects about the organisation and suitability of Citizens' Juries and their variants (e. g., Citizens' Forums) for gathering community opinion to inform media regulation

policies. The discussion revealed that the two sets of Citizens' Juries carried out on a similar policy topic in commercial broadcast television with grassroots citizens in two different hemispheres had been equally ethical in their approaches and had been well-prepared and executed examples of the Citizens' Jury methodology.

## **7.9: Summary**

This chapter reviewed the Waikato Citizens' Jury research project, which took place from 2 to 4 July 1999. It includes a summary of the expert presentations and the participation of the citizen jurors as well as the approval and distribution of the Waikato Citizens' Jury report. A number of appendixes directly relating to the operation of the three-day project are provided to add depth to the in-chapter information. The next chapter provides an evaluation of the Waikato Citizens' Jury action research project measured against the thesis hypothesis and the action research project's main objectives.



## Gatecrashing an Elite Policy Dialogue Circle

Despite demonstrating its usefulness as a model, despite the recognition of its value by all the jurors, despite the unsolicited tributes by some experts who presented and observed, despite the participation of representatives of the media elite, despite the unprecedented demand for the University of Waikato working paper (Macbeth, 2000)<sup>3</sup> reporting the results and process, despite substantial media interest and coverage, the Waikato Citizens' Jury failed to initiate a change of consultation practice by the Free to Air television policymakers responsible for setting community standards on screen. Indeed, the dismissive reactions of most television policy gatekeepers when presented with a copy of the Waikato Citizens' Jury Report indicated that I and the citizen jurors had dared to gatecrash someone else's operational environment - and we had. These reactions parallel Olsen and Marger's (1993) observation that, "Major social transformations are always strongly resisted by elites" (p. 80) by suggesting how that elite social power similarly resists effective public participation, with transformational potential, in media policies. Fortunately given the immensity of changing such time honoured practices, there are other criteria for evaluating the achievement of the

---

<sup>3</sup> This Working Paper about the Waikato Citizens' Jury project, titled *Creating Public Dialogue and Rejuvenating Citizenship*, has been requested by a variety of individuals and institutions. Altogether twenty three copies have been sent out in response to New Zealand requests and one to Australia.

project - especially the ability of the Waikato Citizens' Jury to resolve the thesis hypothesis.

### **8.1: Evaluating the Waikato Citizens' Jury action research project**

The trial Citizens' Jury held 2 to 4 July 1999 demonstrated the method is a public participation practice fully capable of resolving the research hypothesis. During the Waikato Citizens' Jury, television policymakers and a group of grassroots citizens discussed the regulation of community standards in broadcast television programmes. The citizens's opinions and decisions were later distributed to the policymakers (i. e., Macbeth, 1999). The jurors's opinions were however secondary to the primary motive for the project. The thesis hypothesis that there is lack of public participation in the development of media policies due to elite social power motivated the organisation of the Waikato Citizens' Jury. The Waikato Citizens' Jury project is therefore evaluated in this chapter for the ability of the Citizen's Jury method to resolve this hypothesis and the three objectives for the action project listed in chapter six.

The chapter begins by examining how the Waikato Citizens' Jury fulfilled the first two objectives, that of trialling a Citizens' Jury to assess its suitability to enable consultation between media policymakers and citizens, and to equalise social power, as these connect to the resolution of the thesis hypothesis. The operation of the Waikato Citizens' Jury is validated by showing that the characteristics distinguishing the Citizens' Jury method and the core values for public participation practice, listed in chapter five, featured in the project. Factors equalising the status of the diverse

participants during the project are also reviewed as these worked to lessen elite social power and led to the compilation of the EPPT code. The EPPT code stands for “Equal-Participation-Preparation-Time”. It evolved from reflections about the Waikato Citizens’ Jury and is designed to act as a best practice formula for public consultation events. Finally, the chapter reviews the project’s success in achieving the third objective: to gather a sample of citizen opinions about the “good taste and decency” standard in television content to distribute to television policymakers.

## **8.2: Creating dialogue between television policymakers and citizens**

**Objective One:** To trial a Citizens’ Jury to demonstrate its method suitability to act as a policy consultation structure between New Zealand media policymakers and grassroots citizens

This first objective was fulfilled by bringing a group of media policymakers together with a sample group of citizens at the three day Waikato Citizens’ Jury. The event bridged the distance between television policymakers and citizens and created face to face dialogue about a media policy with a widespread community impact. In its practice and structure the Citizens’ Jury demonstrated how to engage with and resolve, in an uncomplicated manner, the unsatisfactorily undemocratic processes identified in the research hypothesis. Its ability to achieve those aims also stemmed from giving both participant groups roles to assist their unique face to face meeting and, from the choice of the policy topic, about a on-screen community standard, which gave a precise focus, of mutual interest, for their dialogue interaction.

All the elite experts that the Broadcasting Standards' Authority lists as being part of their policy consultation circle participated in the Waikato Citizens' Jury (see BSA Annual Report, 1999, pp. 4-5). Other Waikato Jury presenters (e. g., a well-known media journalist and author, a television producer, university researchers, and different aged citizens) expanded the jurors's knowledge of the topic by providing alternative views about television standards, as well as a diversity of opinions about television regulation in New Zealand.

The Waikato jurors conversed directly with the presenters during agenda sessions, and break-times, asking questions and exchanging opinions. The variety of expert material presented during the first two days of the Jury produced a balanced agenda ensuring the Jury panel had different perspectives about the topic so their deliberations on the third day were informed. Being "informed", through a process of information sharing, is a distinguishing feature of Citizens' Juries (Fishkin, 1991; Jefferson Center, 2000). All 12 jurors stated in their evaluation questionnaires they found the Jury agenda to be balanced in its approach to the topic with sufficient information to inform their deliberations (see Appendix G).

The mixed agenda ensured a second characteristic of Citizens' Juries, that an agenda be "impartial" (Fishkin, 1991; the Jefferson Center, 2000), was fulfilled. It also fulfilled the public participation core value that participants be provided "with the information they need to participate in a meaningful way" (International Association of Public Participation, 1999). The expert presenters like the citizen jurors were

briefed about the project by the research coordinator so they were also informed participants able to take part meaningfully.

The attendance of presenters from within the elite policy dialogue circle (e.g., television broadcasters and the Broadcasting Standards Authority) was crucial. It ensured the agenda included the expert information the jurors required for their decision-making deliberations. It was also hoped their attendance would increase official interest in using the Citizens' Jury method, and the results of the jurors's deliberations, but this did not eventuate. Their acceptance however, did help attract the participation of some other presenters who had been initially hesitant to accept speaking invitations. The resulting list of expert acceptances indicated it was an event worth attending, even if out of self-interest. Olsen and Marger (1993) confirm that elites will become involved in activities that coincide with their areas of operation for this reason. The presence of elite status participants at the Waikato Citizens' Jury also helped attract the attention of another elite group, the media.

### **8.3: Media response to the action project enlarged the dialogue circle**

The attendance of the elite level television policymakers leveraged the New Zealand trial nature of the Waikato Citizens' Jury into a higher status community project, sufficient to attract local and national media interest. The resulting press and broadcast news items generated additional levels of dialogue about the Citizens' Jury project to different publics. For example, a television documentary team requested permission to film some of the Jury programme, news items about the Waikato

Citizens' Jury appeared on television and in radio news bulletins and articles were published in national, regional and local newspapers.

Broadcast journalists asked how a Citizens' Jury differed to other public opinion models and press headlines ranged from "Waikato jury to put TV on trial" to "Citizens' jury offers strong view on broadcasting" (Moxon, *NZ Herald*, 1999 July 3, p. A13; Smith, *The National Business Review*, 1999, September 17, p. 39 respectively). One article mentioned the hypothetical research scenarios normally used by the Broadcasting Standards Authority to assess community standards and the other quoted an Authority spokesperson saying, "it was impossible to know what would come out of the [Waikato Citizens' Jury] recommendations and whether they would be considered, as it was only a tiny sample of people" (Moxon, 1999, p. A13). On the evidence of the media coverage and the participation of elite members of the television policymakers's circle, a group of "ordinary" citizens deliberating about a screen policy issue did appear to be of official and public interest. However, the Citizens' Jury method and the Jury panel's recommendation's were judged unworthy of attention by the television policymakers. One reason given was because of the small sample size and, another was because the policy recommendations came from outside the established policy dialogue circle.

#### **8.4: Two factors limiting the impact of the action plan and its effects**

These two reasons were found to be limiting the elite's adoption of both the Citizens' Jury method, and the jurors's opinions about television standards. The first factor -

that poll size matters - was stated to the research coordinator, and the press, by members of the policy circle responsible for setting community standards in television content. This occurred during the Jury event and later in project debriefing face to face interviews, phone conversations and email correspondence.

The other factor found to be limiting the adoption of Citizens' Juries was their lack of institutional status, or governmentality. This lack of official recognition meant the jurors's well-informed opinions, about the "good taste and decency" standard for television content, were dismissed by television institutions, through their elite representatives. The jurors's opinions were considered unacceptable to inform community standards policies as they came from outside the designated policy dialogue circle and did not result from a recognised process, such as in-house commissioned research. Consequently, the jurors's findings had no recommending force. These two factors - poll size and lack of governmentality - worked to limit official interest in the method. This is despite the method proving to be as suitable in New Zealand, as it had been in Britain, as a public participation method for informing community related television policies.

### **8.5: To gain elite attention in New Zealand survey size matters**

The concentration by a range of television officials on the small sample size may be connected to the fact that the majority of public opinion research in New Zealand, including that carried out by the television industry and the New Zealand Broadcasting Standards' Authority, still utilises quantitative representational methods. This

continues despite substantial research criticism of such methods (Zaller, 1992; Neuman, 1986; Wheeler, 1976; Converse, 1970). In terms of public participation such methods of surveying public opinion are strongly criticised by Fishkin (1991, 1995) for being unrepresentational, inaccurate, and neglecting political equality due to a lack of information sharing and deliberation.

This type of public opinion survey is usually carried out by virtual means (via telephones and computer screens) of at least 1,000 respondents by market research companies. The public exposure of such survey results through widespread media attention, and their use by elites to assess issues of national importance, appears to outweigh any general inaccuracy in their results. Their inadequacy in representing informed citizen opinion form no barrier to their official recognition and status in relation to other methods. The tendency to treat citizens's opinions as just another marketable commodity has turned them from a knowledge resource into a saleable volume. Galtung (1999) says this use of public opinion is not a form of communication and explains:

The citizens and customers are not invited to participate in a dialogue as subjects, but are explored, mined for possible inclinations that can be exploited. A dialogue may occasionally happen, but only with selected, closed groups. It is a caricature of democracy (Galtung, 1999, p.12)

This commodification of public opinion is exhibited by the television industry and the Broadcasting Standards Authority. The elite market research companies used by television broadcasters to establish the popularity of their programmes for advertisers



are also employed by the Authority to carry out research projects into community attitudes to establish standards for television content.

For example, AC Nielsen.McNair operate electronic People Meter surveys with a panel of 440 households of approximately 1,000 people aged five years and over. This system has the selected television viewers log on in their homes with a punch of a button each time they watch a scheduled programme. The survey results are purchased by advertisers, media buyers and television programme schedulers to maximise their resources and income. In this commercial environment, citizens' opinions are reduced to dubious ratings statistics (Lealand, 1998; Zwaga, 1992).

Since its formation the Broadcasting Standards' Authority has regularly commissioned the same market research companies, ACNielsen.McNair, and Colmar Brunton, to gather citizens' opinions (e. g., BSA, 1993, July; BSA, 1997, October). Together these two research companies are responsible for most of the high profile public opinion survey polls, especially of political parties and politicians, carried out in New Zealand. But while their methods for the Authority have consistently included large surveys of 1,000 respondents they have also used small sample methods like focus groups consisting of "10 or 11 people" (i.e., BSA, 1997, October, p. 9). The use of such groups calls into question the rationale underpinning the sample size objection to the validity of Citizens' Juries.

I contend the more likely reason for rejecting Citizens' Juries is the method's lack of governmentality or institutional status. This is compounded by their coactive ability to equalise elite social status and eliminate professional public opinion survey mediators as even the focus group method is "a carefully planned discussion" usually "conducted by a skilled interviewer" (Krueger, cited in Cook, 1998, p. 47). The strictly controlled moderation of focus group discussions and their carefully managed group composition are a contrast to the consultation flexibility and composition diversity of Citizens' Juries. The tight agenda setting structure of focus groups can be a safe interaction for those considering community dialogue and interactions to be unruly and in need of professional control. The interpretation of their "conclusions", in marked contrast to the relatively unmediated form of the Waikato Citizen's Jury, also permits a high level of official or expert control. Unfortunately, this tight agenda control and the method's lack of participant diversity criteria can limit consultation creativity and skew results.

The demonstrated lack of interest by television policymakers in what could be, rather than what is, shows a preference to maintain status quo arrangements. This situation and their lack of interest in the benefits resulting from a more ethical and accurate public survey practice like Citizens' Juries also displays the continuity of the bureaucratic procedures and attitudes previously discussed in chapters one and two.

## **8.6: Information sharing works to limit the influence of elite social power**

**Objective Two:** To assess the ability of the Citizen's Jury method to equalise social power between policymakers and citizens

This second objective was also achieved. During the Waikato Citizens' Jury two components were designed to equalise knowledge of the Jury topic. The two observable components in the equalising process were information sharing and deliberation. The expert information sharing carried out during the first two days of the Waikato Citizens' Jury worked to eliminate the asymmetrical topic knowledge between the elite and citizen groups and to lessen the influence of elite social power. The effectiveness of this process was illustrated as the sessions progressed. The jurors were initially timid about asking questions but this changed. The change corresponded with the jurors's increased knowledge about the topic issue. The jurors stated they felt empowered by this information sharing process and one stated it succinctly as "knowledge is power" (see Appendix F, question 13).

In the first agenda session the experts appeared able to push their views more strongly without jurors responding, though the jurors's faces often reflected a difference of opinion and differences were discussed in the agenda break-time. The experts also had a noticeable tendency to dismiss any alternative opinions offered by the citizen jurors who appeared unsure at times whether to be more assertive. As a result, on the first day, the experts were a confident knowledgeable in-group while the jurors were a knowledge seeking out-group. However, as the jurors's topic knowledge increased so did their confidence and during the second day they were responding not just defensively but confidently, often reconfirming their statements and challenging a presenter's viewpoint. Some jurors even expressed frustration and anger saying they felt they had been kept in deliberate ignorance about major changes made to television

organisation and regulation. Their reactions appeared consistent with the documented lack of public debate in the country, especially during the late 1980s when television services were significantly restructured.

It was also noticeable that some presenters were better able to deal with the information sharing process and jurors's questions and challenges about their material than others. One presenter, called *A* for this example, ignored the presentation timeslot guideline and came armed with enough data to fill a one to two hour session. During the presentation *A* interacted less with the jurors and passed around lengthy documents that the jurors did not have time to absorb. Afterwards during the break some jurors said they felt this particular presenter had treated them as "ignorants".

The attitude of *A* was a contrast to other presenters who, though strongly promoting their own opinions, engaged directly with the Jury panel and were responsive to questions. The manner displayed by presenter *A* towards the jurors's views, which they judged dismissive, produced an interesting side effect. In chapters two and four the domineering behaviour of Robert Muldoon was shown to have a coercive affect on the behaviour of others and it was argued this coercion was only successful because Muldoon was of higher status and noncompliance could produce negative effects on the other party. During the Waikato Jury elite coercion was not an issue although elite knowledge and discursive tactics, such as *A*'s colonisation of time and heavy use of documented information, was used on occasions to try and influence the jurors's opinions about television standards. However, as Wartenburg (1997) confirms, such

tactics, unlike coercion, cannot make anyone behave differently to how they wish. It did not succeed with the jurors. They just noticed and expressed resentment. Any attempt to use expert knowledge undemocratically to gain influence tended to generate a negative reaction against the user instead of any appreciable impact on the jurors's views.

The structure of the Citizens' Jury allowed different opinions and attitudes to be expressed even though an agenda and timetable framed the entire event. This internal flexibility meant the citizen jurors could discuss any topic they desired. For example, the Waikato jurors emerged from their lengthy deliberations on the third day with several well-informed decisions about the current organisation and regulation of television services in New Zealand, as well as their recommendations about the topic of "good taste and decency" on television (see Appendix M). Their internal agenda-setting ability, combined with the expert information sharing and later deliberation, enabled the Jury group to define their own participation during the event and engage confidently with asymmetric elite arguments, attitudes, and tactics.

### **8.7: Knowledge sharing, a key to rebalance an asymmetrical relationship**

Together these twin processes, of knowledge sharing and internal agenda setting, during the Waikato Citizens' Jury could be observed to lessen any influence from elite social power and to equalise the status and communication between the two participant groups. Wrong (1993) explains that asymmetrical power relations occur as one "power holder exercises greater control" than the other (p. 13). This situation was

observed at the beginning of the Citizens' Jury however, as the jurors's topic knowledge and confidence increased the power relationship between the Jury participants achieved greater symmetry. This more equalised situation could be said to display "intercursive power" (Wrong, 1993). Wrong explains that:

Intercursive power exists where the power of each party in a relationship is countervailed by that of the other, with procedures for bargaining or joint decision-making governing their relations when matter affecting the goals and interests of both are involved (1993, pp. 13-14).

Intercursive power, through Citizens' Juries, demonstrates one way citizens can resist or combat the influence of elites in community issue policymaking; it requires that a method, acceptable to both parties be adopted and that both have a willingness to participate. In this study, a search was carried out to locate a precise structural method of bringing together the two distant parties, as one party obviously held greater decision-making power. As the thesis has earlier argued, this elite power identification was substantiated by a long-term historical assessment of broadcasting activities and policies.

Observations during the Citizens' Jury indicated that the single factor allowing television policymakers to retain a hierarchical, and closed, tradition in setting community policies is information or knowledge. One Waikato juror summed it up as "an empowerment through information" (see Appendix G, question 19). Without the elite information sharing process of the Citizens' Jury, the citizen jurors would not have had the ability or confidence to deliberate about the topic or formulate their decisions. Accordingly the potential of an intercursive power relationship would not

be able to be realised. The consultative process reflects, without necessarily having the final judgment of their legal counterparts, the court justice process where citizen jurors are provided with comprehensive information to enable them to negotiate and make an informed group decision. Information sharing is the key that lessens the influence of elite power and the factor that elite media institutions and representatives protect. Information sharing turns a public participation/consultation event into an event of jointly exercised, or what Follet terms “coactive” (cited in Gilbert et al., 19992, p. 45) power. The Waikato Citizens’ Jury demonstrated how, for such an event to succeed, interscursive and coactive power relations must develop between the consultation parties.

### **8.8: EPPT limits elite activity and enhances public consultation practice**

The EPPT code connects observations from the Waikato Citizens’ Jury into a practice formula that works to limit elite influence and ensure ethical public participation consultations. The code is intended to assist the planning and management of public consultation events by media organisations but it would be equally applicable to any other consultation activity. The code combines four value conditions (Equal-Participation-Preparation-Time), which were each part of the planning and operation of the Waikato Citizens’ Jury.

- **Equal** - an ethical consultation event ensures each participant is treated equally and that every endeavour is made to equalise topic knowledge differences so all participants can contribute to discussions and decisions
- **Participation** - each participant must have the necessary information to participate fully at all stages of the consultation process. Participation should be diverse. To assist creative consultation there should be composition diversity among participants

- **Preparation** - equal participation preparation should be provided for all participants. Differences of topic knowledge should be acknowledged and deliberate efforts made to ensure these differences are equalised so consultation results are informed and appropriate
- **Time** - equal participation preparation time is necessary. Participants require sufficient preparation time to gain topic knowledge in order to be full consultation participant partners.

The EPPT code functions as an integrated system of interdependent and interacting criteria to lessen the impact of any elite social power and encourage a coactive consultation atmosphere. The code indicates there should be no superiors or subordinates in a public participation consultation event, in contrast to the pattern of authority retention in most public opinion survey events.

The EPPT code is deliberately laid out as a set of systematic interlinked criteria as such lists have a prescribing nature. For instance Eden and Huxham's (1996) list of action research characteristics in chapter three is designed to operate in this manner and this approach is also reflected in Seidman's (1994) summary of bureaucracy's rule-like prescribing criteria in chapter one. This prescriptive ability of criteria lists was argued by Sefton-Green and Buckingham (1998) to be a constraining factor but in this instance constraint for a precise outcome is intended.

In the Broadcasting Act (1989), the single criterion given is inadequate to prescribe ethical consultation activity and the inadequacy bears a major responsibility for the continuing lack of public participation in formulating the Codes of Broadcasting Practice. The Act states that it is a function of the Broadcasting Standards Authority



to “encourage broadcasters to consult with persons having an interest in the subject-matter of those codes” (Section 21, 2).

With regard to the codes citizens could definitely be considered the largest group of persons having an interest in any consultation about their formulation. As Cleland and King (1972) rightly point out consultation as an organised activity should usually involve all stakeholders with a common interest in a subject matter. However, in this section of the Broadcasting Act (1989), the wording only indicates a relationship between the Broadcasting Standards Authority and broadcasters. This situation allows broadcasting elites to interpret and set community standards in a self-regulatory manner similar to press editors. It also, in this case, implicates the government and broadcasters in a policy alignment that excludes citizen participation in policies that have a widespread community impact. This alignment is similar to the historic government/media alliances related in chapters one and two. At the close of the Waikato Citizens’ Jury a juror precisely defined this situation in his questionnaire as: “They look after each other (BSA and broadcasters). Don’t hurt broadcasters etc” (see Appendix F, question 7).

The multidimensional design of the EPPT code encourages full and equal participation to achieve a balance of knowledge by all participants as a method to limit elite social power in public consultations and achieve accurate decision-making. The application of the code’s four criteria during the Waikato Citizens’ Jury empowered the diverse participants in the jury panel and ensured their decision-making independence.

Jurors's comments confirm this assessment (see Appendix F and G). The jurors's engagement throughout the Citizens' Jury and their focused topic recommendations also confirm that when the EPPT code criteria are applied they work synergistically to produce an ethical and successful public participation event capable of rejuvenating involved citizenship.

### **8.9: Gathering citizens' opinions about television standards**

**Objective Three:** To gather a sample of community attitudes about the regulation of television content, especially the problematic "good taste and decency" Code of Practice for Free-To-Air television (BSA, G2 Code) to present to television policymakers.

This third action project objective was also successfully achieved. The 12 jurors gave their individual opinions about television content including the G2 "good taste and decency" Code of Broadcasting Practice in two questionnaires (see Appendix E and F). Their joint opinions from four hours of deliberation also produced a final list of unanimous recommendations and conclusions (see Appendix M). A report containing this information was especially compiled by the research coordinator and presented to all New Zealand television policymakers on behalf of the Jury panel (i.e., Macbeth, 1999).

The Jury panel's list of recommendations and conclusions reveals that, in their small group and joint group deliberation sessions, many different television regulation issues were discussed. As well as "good taste and decency" in television programmes, other Codes of Broadcasting Practice were debated. These included the role of television broadcasters and the Broadcasting Standards' Authority as developers and supervisors

of community standards, the on-screen censor guides for television content, public complaint procedures, the government's structuring of television services, the impact of advertisers and the all-commercial nature of New Zealand television, and the lack of public representation in the formulation of community impact policies.

The 12 jurors wrote many comments in their evaluation questionnaires to the effect that they thought members of the community should be directly consulted about the compilation of television standards and that community members had a right to have a say in the regulation of community standards in broadcast television. The jurors suggested "broadcasters need to be more proactive in researching viewer opinions" and "should be in regular consultation with the public" through an "interactive" process like Citizens' Juries (Appendix M). The trial Citizens' Jury panel concluded that it was an effective public participation method enabling citizens "to have a say".

The Waikato Citizens' Jury also revealed a majority of citizen jurors held views about the G2 code different to those gathered by the market research company Colmar Brunton during a quantitative survey of 1,000 respondents just prior to the Jury project (BSA, 1999). Dr Zwaga, the research and communications officer for the Broadcasting Standards Authority, explained some results from this survey (i. e., *Changing Mediascapes*) to the Jury panel. For example, the results indicated that the majority of New Zealanders are unaffected by so-called bad or offensive language being broadcast (NZPA, 7 June 1999, p.3).

However, in their pre jury evaluation questionnaire a majority of the Jury sample ranked swearing and bad language at the higher end of the “least acceptable” scale (Appendix E, question 4). In their post jury evaluation questionnaire their views ranked slightly more widely across the scale from least to most acceptable but a majority still ranked swearing and bad language within the mid to high range of being unacceptable in television content (Appendix F, question 2). These pre and post Jury questionnaires reveal little individual change, even though the jurors viewed this issue in a number of different screen contexts and it was extensively discussed.

This example indicates the Waikato Citizens’ Jury sample group held a different opinion on this issue to the Colmar Brunton survey. While this difference can be blamed on the small sample of the Waikato Citizens’ Jury the hypothetical survey scenarios devised for the use of bad or offensive language on screen, and the established general inaccuracy of quantitative representational polling (Smith, 1999; Fishkin, 1991, 1995) could be equally to blame. This survey comparison also suggests that the attitudes of New Zealanders may be less liberal than is indicated in the professionally devised and mediated surveys carried out by the Broadcasting Standards Authority and that the Codes of Broadcasting Practice could be inaccurate for the community they serve.

#### **8.10: The results of a survey assessing prior topic influence**

After the Citizens’ Jury a survey was carried out to benchmark the results of the pre jury questionnaire that was designed to establish jurors’ attitudes prior to their

Citizens' Jury participation. This additional survey was undertaken to gauge any prior topic influence the 12 jurors may have gained from media items about either the Broadcasting Standards Authority or the issue of community standards because there was a period of two months from the time the jurors received their random questionnaire until they were invited to take part in the research project.

All 12 selected jurors resided in the Waikato area, in and around Hamilton City. The major daily newspaper published for this area is the *Waikato Times*. This newspaper has a wide range of news and feature items and replicates many items of national importance appearing in larger circulation papers, such as the *NZ Herald* and *The Dominion*. The residents of the three areas from which the jurors were selected could be generally regarded as loyal subscribers or regular readers of this regional newspaper over others, and, as a large regional paper, the *Waikato Times* also reflects information conveyed daily by other media.

Issues of the *Waikato Times* for three months prior to the Jury weekend were examined for television related items, especially any associated with standards or regulatory matters. A total of 147 television related items were published in April, May and June 1999. The items were summarised for convenience into five categories: economics, overseas news, local news, entertainment and standards (see Figure 8). The variety of material about television published during this three-month period was extremely limited. For example, most items in the "economics" category were a continuing update about the potential sale of TVNZ's share stake in SKY Pay-TV.

Only one item in this category related to viewers and regulation - the government's proposal to scrap the broadcasting license fee levy.

Month	Economics	O/New	NZ/News	Entertainment	Standards	
April 1999	1	4	7	28	2	= 42
May 1999	3	3	8	34	2	= 50
June 1999	6	2	14	31	2	= 52

**Figure 16.** Results of the prior influence media survey about the Waikato Citizens' Jury topic

Continuing stories also dominated the entertainment category. These included updated reports about the jailing of an American screen actor, daily television programme schedules, and a weekly television review. It was judged that in the months prior to the jurors's participation in the Waikato Citizens' Jury they would not have been influenced or received any associated topic information from their local newspaper, or other media.

### **8.11: An assessment of the Waikato Citizens' Jury and its impact**

The Waikato Citizens' Jury action project successfully gained the attention, and participation of elite television policymakers. The public participation method also gained an elite supporter within the policy circle but elite gatekeepers dismissed these representations. The manner of these discussions was related to the research coordinator but, due to them being "off the record", they cannot be explicitly discussed in this chapter. However, these known informal effects have provided added confirmation of the research hypothesis that elite social power works to exclude public participation and citizen dialogue in television policymaking in New Zealand.

This situation confirms the assessment already stated in the prescribing data that those who are in elite decision-making positions can regulate who gets to deliberate about New Zealand television policies, and can marginalize, or dismiss, intercursive relationship attempts, and their findings. The Waikato Citizens' Jury also confirmed both the contemporary existence of policymaking in-groups and out-groups and the continuing ability of those with elite status to set policy participation practice and exclude citizen dialogue about television policies with a widespread community impact. This situation can be construed as reflecting the belief that those with governmentality are better able to make decisions and public dialogue can be irrational (Leftwich, 1983).

Eleven of the twelve Waikato jurors stated in their Jury evaluation questionnaire they were hopeful their informed opinions would be considered by those in positions of authority but elite social power worked to dismiss those hopes (see Appendix G, question 20). The remaining juror stated he would like to be hopeful but he believed the Jury findings would have no effect. This juror was an employee of a large local government body and he was skeptical that the Jury results would have any effect on policymakers, though he strongly approved of public participation processes and citizens' opinions being gathered to inform community policies.

The comments of the 12 Jury members in their questionnaires also revealed they gained confidence and knowledge from their participation in the Waikato Citizens' Jury and that they thought the method should be utilised in the future. All 12 jurors

stated they would participate in other Citizens' Juries if invited. But their increased levels of confidence and understanding about television regulation and their enjoyment of their Jury experience did not displace their feelings of being disenfranchised from a decision-making process that they felt affects them and their families. During sessions and agenda breaks a number of jurors expressed astonishment, and outrage, at the politically initiated rearrangements of broadcasting systems in recent years that had been undertaken without their knowledge as well as their inability to contribute to policy dialogues.

The action project's operational success was no indicator to the attitudes of policymakers to the jurors's recommendations or their interest in the method as a viable public participation practice. Past attitudes and actions revealed through the descriptive phenomena in chapter one and the general reluctance of organisations in New Zealand to adopt public participation practices, despite being enshrined in legislation, were major indicators. The research data prescribing the action intervention also accurately foretold the responses of the two television organisations responsible for formulating the Codes of Broadcasting Practice - the New Zealand Television Broadcasters' Council and the Broadcasting Standards Authority. Their negative responses to the Citizens' Jury method reveals that the elite social power that had prescribed the problem-solving intervention project also ended up prescribing and restricting "the likely range of validity and applicability of the results" (Eden & Huxham, 1996, p. 537).



In contrast to Britain, and other countries, ethical unmediated citizen policy dialogue still appears not to be a consideration. This attitude persists even when sound management practice points to the community as a key stake-holder in community impact policies like the Codes of Broadcasting Practice and when public participation is shown to be a positive process for informing and benchmarking organisational decision-making. Also, though citizen inclusion is central to the idea of democracy and media, and the press industry acknowledges this as guiding principle, citizen representation at organisational and political levels in New Zealand is mainly taken to mean representation negotiated by a minority elite or professional experts, as in professionally controlled focus groups and community attitude surveys.

This system of representative democracy ingrained in New Zealand's television policymakers means the appointed elite believe they should be able to make decisions without either any "backseat driving" or face to face dialogue from the community (Catt, 1997). In one discussion, during the presentation of a copy of the Waikato Citizens' Jury report to an elite television policy gatekeeper, he expressed outrage that citizens should be able to complain: "They have no right to complain about a programme that may have cost a producer a million dollars to make" (Anonymous, September 1999). This attitude confirms that elites continue to limit public participation in media policies as systematically today as they have in the past.

## **8.12: Summary**

The Waikato Citizens' Jury demonstrated that public participation and interscursive power relations in television policymaking (and other media) in New Zealand is both possible and practical. As an action research project it showed how the deliberative Citizens' Jury method used overseas by the Independent Television Commission could also be a suitable and manageable structure for New Zealand policymakers to gather community knowledge to inform policies with a widespread community impact. The Waikato Citizens' Jury successfully demonstrated the characteristics of a valid Citizens' Jury as detailed by Fishkin (1991) and the Jefferson Centre, as well as the seven core values the International Association for Public Participation (IAP2) advocates for public participation practice. Theories arising from the descriptive material in the media reviews (i. e., elite social power, bureaucracy and governmentality) prescribing the research hypothesis were revealed to be strongly influencing the attitudes of media officials towards the use of Citizens' Juries.

I therefore conclude that the use of elite social power amongst television policymakers continues to limit elite acceptance of citizen dialogue and public participation methods like Citizens' Juries. This is due to a preference by those in elite positions to favour other elites like large research companies using traditional, and less accurate, survey methods to inform community policies. For Citizens' Juries to become a media policy public participation practice a change of attitude by media institutions would be required, as the method's information sharing process works to equalise social power and this challenges the social status of those in policymaking elite positions.

## **Media, Citizens, Dialogue, and NIMBYism**

In the course of the previous eight chapters, this thesis has sought to forge a new direction for the relationship between New Zealand media and its community. The directional hypothesis of a lack of public participation in the policies of New Zealand press and broadcasting was the inspiration for the problem-solving intervention project, the Waikato Citizens' Jury. The twin processes of accumulating hypothesis prescribing data and the action project utilising practitioner skills made the action research inquiry method uniquely suitable to encompass the complexity of the planned research strategies.

This vindication of action research inquiry as a suitable method for media research is an original contribution in that no documentation was located to show it had been previously used for research into media activity in New Zealand. In addition, other thesis contributions to the action research inquiry method include:

- showing how an action project on the Citizens' Jury method can resolve, at the same time as having widespread community impact, the lack of public dialogue, both historic and contemporary, informing media policies;
- demonstrating the Citizens' Jury method as a viable and ethical public participation practice suitable for New Zealand policymakers and organisations to gather community representative dialogue. This has particular value in a national context since the first Citizens' Jury held in New Zealand (i. e.,

Wellington City Council, 1996) attracted negative criticisms, which brought discredit to the method as well as to that specific project;

- formulating the EPPT code as a practice guide for the ethical management of public consultation events by media and other organisations wishing to initiate citizen interaction and gather community knowledge (and so making events like the Wellington one less likely);
- suggesting how New Zealand community relations could be rejuvenated - a lack of public debate and distance between citizens and decision-makers in New Zealand was documented in the course of this thesis - into a greater sense of involved citizenship through Citizens' Juries;
- gathering, in an ethical manner, a sample of community opinions about television standards and especially the problematic "good taste and decency" Code of Broadcasting Practice and distributing them to television policymakers; and
- verifying that the 15 characteristics compiled by Eden and Huxham (1996) are a useful guide for an action research programme, which involves practitioner skills and is concerned with a change of organisational practice.

This final chapter presents a concluding assessment and discussion about the research hypothesis and its prescribing data, as well as comments about the listed research contributions. It connects observations about the social phenomena of elite power used by New Zealand media authorities to an ingrained pattern of organisational thinking, or an internal culture, that works to limit public participation in media policies. Olsen and Marger's (1993) descriptions of elite social power are accurately reflected in the historic and contemporary behaviour of government, media authorities and their officials examined in this thesis. Weber's concepts of bureaucracy and its operational effects were also found to be not just significant factors prescribing the research hypothesis, but also to be factors limiting the success of this research programme.

Together the two theories of elite social power and bureaucracy embedded in the research programme's descriptive data and its results combine to form the conclusion that media authorities in New Zealand exhibit an elite bureaucratic protectionist syndrome that can be best described as "institutional NIMBYism" (Not In My Back Yard). This style of organisational culture or behaviour appears as an unbroken fault-line in the relationship of New Zealand media authorities to citizens stretching from the earliest days of media's establishment in the mid 1800s to its present day operations.

This chapter explains what is meant by "institutional NIMBYism" in relation to New Zealand's press and broadcasting institutions, and the Citizens' Jury action project. It also examines the potential for media authorities to change their policy consultation procedures to a more inclusive practice - in accordance with the example set by their British counterparts - and predicts some future effects from the continuing adherence to "institutional NIMBYism" in New Zealand.

### **9.1: Tracing the protectionist pathway of media's institutional NIMBYism**

The term "institutional NIMBYism" was deliberately coined to describe the elite behaviour of New Zealand's media policymakers (press, radio and especially television), in persistently excluding citizen participation in policies with a community impact. This assessment of their elite behaviour is strongly supported by historical and contemporary literature material, policymaking practices, comparisons with similar overseas organisations, and the reactions of television officials to the use of

Citizens' Juries. In summary this brand of organisational behaviour by New Zealand media authorities can be characterised as follows:

- it dismisses most public participation and public consultation practices;
- it is socially out of step with the multiple calls and requirements from official sources and members of the public for the inclusion of public participation practices;
- it ignores the potential benefits to organisations and the wider community from such external interaction practices;
- it exhibits out of date management practices compared to similar overseas media institutions;
- it involves a continuing reliance on restricted professional expertise to gather community attitudes and a reliance on representational survey methods which can produce inaccurate community information; and
- it strongly suggests media authorities and their officials do not believe that citizens are authoritative sources for their own knowledge.

In combination these defining characteristics point to a NIMBY mindset or culture whereby international practice that values citizen participation is not welcome in the New Zealand media policy backyard.

The syndrome of NIMBYism or "Not In My Backyard" activity is a euphemism normally used to describe the local opposition and attitudes of a community or group of citizens towards a decision by others to position an unwanted facility in their neighbourhood (Mazmanian & Morrell, 1994; Rosenbaum, 1991). Such opposition normally relates to environmental or public utility development decisions and NIMBY situations are regularly reported in the press. For example in recent months, in the same area from which the Waikato jurors were selected, citizens were opposing the

siting of a waste dump, a prison, and a casino in their community areas (*Waikato Times*, 2000 December 15, p.3; *Waikato Times*, 2000 December 20, p.1). These citizens because of their opposition to these three activities in their environment will be labeled “NIMBYs” by those in authority wanting to develop the dump, prison and casino facilities.

The appearance of such citizen initiated “Not In My Back Yard” activity always spurs a corresponding reaction from the implementing organisations who will usually begin a range of reactionary activities to gain greater public support for their projects. These counter-activities to citizen activism can take the form of a carefully targeted public relations campaign that incorporates a series of asymmetrical activities such as direct mail-outs to community leaders and homeowners in the project area; project meetings with media representatives and community officials to refute objectives, paid advertisements and articles favourable to the projects being placed in the local press, and public meetings arranged in the NIMBY localities. From this list of activities it can be seen it is not a contest between equals in terms of either social power or resources and any response is a carefully managed activity by developers to suppress and eliminate the NIMBY opposition. The cartoon (Figure 9) on the next page illustrates types of items and attitude that can initiate NIMBYism; the writing in the speech bubble indicates the activities which institutional NIMBYism typically excludes or marginalises.



**Figure 17.** The appearance and form of NIMBY activity: adapted from a cartoon by Hawkey published in the *Waikato Times*, 27 January, 2001, p. 6

Institutional NIMBYism (or a Not In My Backyard mindset by organisations towards public participation practices) can spring from the elite's desire to proceed independently with public impact activities; a dismissive attitude towards those stakeholders in an organisation's external environment, or even an uninformed assumption about an activity. The practice of institutional NIMBYism is a by-product of closed organisations as these eschew citizen dialogue, even in relevant operational areas. Such organisations also exhibit hierarchical bureaucratic procedures and ignore the established benefits that can result from public participation practices and citizen consultation. For instance in chapters one and two, New Zealand media organisations were shown to cling to established conventions, dismiss the involvement of non professional outsiders in their decision-making, and work to maintain a system of elite social power and partnerships within their operational internal and external environments. In regard to media regulation it was also shown that past policy decisions can be a constraining influence on present decisions, and that "there is a



natural instinct to favour what is familiar and avoid risk” (Economic Monitoring Group, 1985, p. 5).

Together these exhibited organisational behaviours and the use of inherited policy decisions can form a pattern of organisation protection or institutional NIMBYism because they function similarly to citizen initiated NIMBYism. Again, it is not a contest between equals. The media organisations have the power, resources and backing of government or self-regulation policies, to operate as they wish over complete national community environments. The practice of institutional NIMBYism towards public participation and the inclusion of citizen dialogue by New Zealand media authorities, particularly television, can be interpreted from the weight of research evidence informing the conclusion. The reasons for the practice appear to range from an anticipated dissipation of authority power by executives, a fear of unknown effects from citizen involvement, and even as outlined in chapter five, the assumption that decision-making could be lengthened by any process of public consultation, public interactions can be chaotic and public dialogue irrational.

## **9.2: Organising the research strategy to counter media’s NIMBYism**

To counter institutional NIMBYism by media authorities, this researcher organised the Waikato Citizens’ Jury as a targeted response project. However, unlike the struggle of citizen NIMBYs my campaign was more equal as I possessed a range of practitioner skills to assist a counter campaign and had access to international best practice methods.

The first step was to find a model that had already been successfully used, hopefully by other media authorities, as this increased the likelihood of it being adopted and institutionalised for public participation in New Zealand. Closed elite organisations, like New Zealand media authorities, tend to dismiss new practices but, as they are bureaucracies, they display some openness to manageable new structures that complement existing procedures and draw from traditionally valued practices elsewhere. The Citizens' Jury consultation and public opinion gathering method was therefore selected as appropriate because it had been used successfully by a large British media regulatory institution, the Independent Television Commission, as a public participation method to inform and benchmark their community impact policies.

The planning for the problem-solving Waikato based Citizens' Jury action project was complex especially the negotiations to bring elite media policymakers together with a group of grassroots citizens to consult about a community related policy. The topic for the joint consultation was Free To Air television programme standards and in particular the "good taste and decency" Code of Broadcasting Practice, as this issue was attracting an increasing number of public complaints. It was also disclosed to be a problematic area for both press and broadcasting policymakers to establish and it was thought the topic issue may increase their interest in the Citizens' Jury method and the project's results.

In this thesis the data originally prescribing the action intervention with its documented theme of “institutional NIMBYism” proved to be an accurate indication for a lack of practice change by television authorities. The social phenomena examined in different chapters and the attitudes of those in media decision-making positions revealed how their organisational conventions and dominantly positioned individuals work to hinder any changes to policymaking consultation procedures. Consequently, this thesis contends that past media practices (which work to dismiss public participation in decision-making) will continue to influence the future rather than any rational assessment of organisational benefits from a practice change favouring greater citizen inclusion. This contention means that media authorities, especially broadcast television, will miss the benefits that derive from including citizen dialogue as a resource in their consultation procedures about community standards and other community impact related policies.

Further negative effects include: the continuing preference for elite professionals to gather community opinion, which is usually a more expensive option and a greater drain on the financial resources of organisations; and the delays that can be caused through the deployment of community opinion surveys, undertaken by in house and external professionals, being lengthy processes sometimes. For example, the review of the Codes of Broadcasting initiated by the New Zealand Television Broadcasters’ Council in early 2000 is still not completed a year later. In contrast Citizens’ Juries can produce results, inexpensively and fast.

### **9.3: The role, contribution, and limitations of practitioner experience**

Practitioner skills were entwined in every step, especially the Waikato Citizens' Jury, of the research process and were another reason that the action research inquiry method and the characteristics compiled by Eden and Huxham (1996) provided the best theoretical warrant. The success of Citizens' Juries could be limited by a lack of such practitioner skills. For example, an examination of the criticisms of the Citizens' Jury organised by the Wellington City Council in 1996 in both the report to Council and a sample of press articles (i. e. Cutler, 1996; Moran, 1996; Boswell, 1996, Trotter, 1996) reveal that the negativity could have been eliminated with a more intimate knowledge and ethical application of the Jury methodology and the involvement of communication management skills.

The organisation of the Waikato Citizens' Jury action project was informed by many years of both event and communication management experience and a well-researched knowledge of the key components and functioning of the Citizens' Jury methodology. Interviews with other Citizens' Jury organisers and a review of the method's international application were integral planning steps. Consequently, unless a similar knowledge base and skills inform other Citizens' Juries, their operation will vary from the Waikato Citizens' Jury and their success may be compromised.

The researcher's practice background enabled the sole-charge organisation of the Waikato Citizens' Jury and it eliminated the involvement of others with potentially less experience. It also ensured that the action project to counter elite NIMBY

behaviour was a more equal campaign. For example, the media response to the Waikato Citizens' Jury was deliberately initiated by press releases written by the research practitioner as an additional means to circulate knowledge of the Citizens' Jury method, to increase the project's profile, and to gain the attention of media and other policymaking elites.

The researcher's decision to play the "laissez faire" role of project minder assisted the independent participation of both the citizen jurors and the presenters and encouraged greater independent symmetrical dialogue. Both contributed to a successful result. If a Citizens' Jury has an active involved moderator, chairperson, or any other additional intervention then there is a risk that the results could be very different. The action project required a problem-solving and collaborative attitude, and an understanding of coercive power to operate smoothly and beneficially for all participants and to attain the research objectives. This operational knowledge was again the result of practitioner values and experiences with a wide diversity of people and problem-solving projects.

#### **9.4: Changing assumptions and long-term media practice**

In conclusion this thesis challenged the assumption by elite media policymakers that grassroots citizens could not absorb the complexity of media regulation and produce policy information that could be a valuable decision-making resource to inform community impact policies. It also challenged the elite assumption that professional expertise is required to moderate and negotiate public participation practices

(including symmetrical dialogue events) and their results. Though professional skills were an integral part of the research programme they were only used to organise and manage the physical aspects of the project. The citizen participants demonstrated they were able to independently utilise the Jury process to produce appropriately formulated policies on behalf of the national community. Together the operation of the Waikato Citizens' Jury and the jurors's focused policy conclusions and recommendations upsets the assumption that public consultation can be chaotic, irrational and lengthy, and changes the longstanding and ongoing continuing elite exclusion of New Zealand citizens.

Though this study's conclusions, like any other, can be explained as only one answer for the lack of public participation in media policymaking the depth and expanse of the research investigations suggests otherwise. An authoritarian past is influencing present day policy decision-making in New Zealand to a greater extent than other countries like Britain and America. The historical media review data discloses that those in elite media policymaking positions in New Zealand consistently operate their traditional institutionalised practices even though they are out of step with contemporary attitudes and out of date in relation to developments in comparable international media organisations, and out of touch with the desires of citizens they are required to consult.

This thesis unfortunately has to conclude as it began. The historical data prescribing the research hypothesis is reflected in the actions of contemporary media policy

makers. This reflection of the past in the present predicts the future. The thesis can therefore comfortably predict that recent policy statements by the Minister of Broadcasting (i. e., Hobbs, 6 July 2000) encouraging participatory democracy in broadcasting are equally unlikely - unless a practice like Citizens' Juries is adopted and institutionalised - to change the strongly entrenched elite protectionist culture of media authorities towards citizen involvement in decision-making.

**Note:**

A concluding contribution of this thesis, introduced in the preface, is that the progress of this action research programme has confirmed that the action research inquiry method conforms to the basic tenets of sound scientific research practice. This conclusion is demonstrated by a comparative survey between the characteristics of action research illustrated in this thesis and a list of five scientific characteristics provided by Wimmer and Dominick (1997). They argue that a research approach that does not follow their listed characteristics cannot be considered a scientific approach (pp. 9-11). Their list was chosen in preference to others as they compiled it in relation to mass media research, which is the issue, explored in this thesis.

- 1. Scientific research is public:** Wimmer and Dominick (1997) state a scientific approach includes a series of steps, that a researcher builds on past knowledge and researchers must publish and share their results. This action research programme has proceeded in a series of steps starting with the comprehensive literature reviews of historical material referenced for other researchers to examine. The

information gathered from interviews was checked against literature sources, so these information sources can also be sought and replicated. Finally, the research results were published and distributed in a public manner through a project report, a working paper (i. e., Macbeth, 1999; Macbeth, 2000), and a published article (Macbeth & McKie, 2000) already widely distributed in the Asia Pacific area.

2. **Science is objective:** The research can be considered objective, even though action research inquiry encourages a greater degree of reflexive involvement by a research practitioner, and any long-term assessment of an historical issue can be redefined by another for another purpose. Facts have been dealt with objectively and the research subject matter has prescribed each phase of the research process. Any reflections, encouraged by the action research approach, or what Wimmer and Dominick (1997) may describe to be “eccentricities of judgement” have been kept separate in the preface and postscript sections (p. 10).
3. **Science is empirical:** The research programme has consistently examined material that is knowable by others and abstract notions have been defined by operational definitions. For example, the author’s definition of media policies, and how they operate on an external environment, in chapter four is linked to established descriptions of the public policy process.
4. **Science is systematic and cumulative:** This research programme began by examining historical material and already established concepts which helped



identify a problem in New Zealand's media regulation. The research programme used the "ideal form" of progressing from a single event, in this case the lack of public participation in media policies (Wimmer & Dominick, 1997, p. 11). The patterns of the phenomena within the prescribing research data were found to be linked to various concepts which then formed a "systematic" direction and formulated "propositions" (Wimmer & Dominick, 1997, p. 11). Proposition examples include Citizens' Juries can resolve the research hypotheses and the finding that New Zealand media authorities, especially television, practice institutional NIMBYism towards public participation. A proposition theory is the EPPT code formula which proposes there are certain value conditions that can enhance public consultation between diverse participants, such as television policymakers and citizens.

5. **Science is predictive:** The historical information informing the research intervention was shown to predict the research results. The theory that elite social power circumscribes public participation in media policies is connected to the reactions of media officials to the use of Citizens' Juries. The prescribing research data predicted this result and predicts there will be a lack of citizen consultation by television policymakers in future to inform and benchmark their community impact policies, unless a practice like Citizens' Juries is institutionally adopted.

Together these five "scientific" research characteristics compiled by Wimmer and Dominick (1997) coincide with the 15 characteristics - for an action research

programme aimed at organisational change - provided by Eden and Huxham (1996) which guide this thesis. Establishing this connection, between action research inquiry and the norms of scientific research practice, was done to respond to criticisms that action research is not a proper scientific approach and research programmes using the context exhibit poor methodology, when compared to other inquiry approaches. As already mentioned, there can be certain variations within action research inquiry that this thesis includes but these also link to the procedures of scientific research practice. For example, Wimmer and Dominick (1997) describe eight steps in a scientific research practice. Each of these steps, sometimes called cycles in action research, ranging from the solution of a problem, through the review of existing research and theory, to the development of a hypothesis and determining an appropriate research design, are all present in this action research programme.

These steps also conform to Eden and Huxham's (1996) list of action research characteristics used as both a guide and validation for this thesis. Examples are how this research has initiated additional research steps or cycles (e. g., the hosting of a second Citizens' Jury event related in the postscript) and has revealed "implications beyond the domain of the project" (Eden & Huxham, 1996, p. 537). Similarly, the implications of popular public opinion polling methods and the public communication practices of policymakers have inspired separate publications to present research results. This study is therefore able to conclude that this thesis and the characteristics of action research provided by Eden and Huxham (1996), replicate the distinguishing characteristics of scientific research, as compiled by Wimmer and Dominick (1997).

# **Postscript**

## **Recent Developments and New Directions**

In the final months of writing this thesis there have been a number of relevant developments. New policies for broadcasting have been proposed by the government and broadcast television policymakers have initiated several activities that could be considered informally as paralleling, or relating to, results arising from this research programme. In this postscript I therefore take the opportunity to discuss the following specific items: the government's new policy proposals for broadcasting; its mention of participatory democracy; the current review and rewrite of the Codes of Broadcasting Practice for Free-To-Air Television; and the organisation of a second Waikato Citizens' Jury event. In addition, like the conclusion of the preface, this last postscript section includes research reflections that have generated additional insights about the research programme and form part of the action research inquiry tradition.

### **1. Recent developments for broadcasting**

The Labour Alliance government, under the direction of the Minister of Broadcasting and her policy advisors, has drafted, and presented to parliament, a new broadcasting development programme and a charter to guide the programming of the publicly owned, state-operated, Television New Zealand (TVNZ) network. Unfortunately, in relation to this thesis and its documentation, these developments merely serve to

confirm yet again the long tradition of government restructuring of broadcasting and the accompanying pattern of government interference in television programming that normally occurs with a change of government and political philosophy. One press item commenting on these political changes was accurately headlined “Intervention increases” and stated “government officials are working on a programme to increase state intervention in television and radio” (*Waikato Times*, 2000, May 15, p. 3).

However this research programme did produce an additional and unforeseen result. Copies of the two policy statements were sent by the Minister of Broadcasting to this thesis researcher with requests for comments (Hobbs, 2000, July 6; Hobbs, 2000, September 19). In other words I was now judged to have governmentality or professional expertise, as the organiser of the Waikato Citizens’ Jury, and several letters were received requesting my comments about the new broadcasting proposals (Minister of Broadcasting Hon Marian L. Hobbs, personal communications, 2000, April 26; 2000, June 13; 2000, July 4; 2000, August 8; 2000, August 10; 2000, September 20).

My challenge to the policymakers - to engage in dialogue with citizens to inform community policies - and my perceived knowledge of broadcasting matters had brought requests from those within the professional policy dialogue circle. It made me reflect back on the elite reactions to radio’s broadcaster Scrimgeour’s activism many decades earlier. Perhaps his repeated challenges to bureaucratic officialdom had initiated the government’s appointment of him as a Radio Controller, in the hope his

actions would cease. A more recent example is journalist Paul Smith who was recently appointed to the Board of TVNZ. Till his appointment he was well known for his weekly articles in *The National Business Review* railing against the organisation of television services, and other media, and the actions of media officials.

Recent broadcasting developments are however, a side issue to the main intent of this thesis, which was to increase public participation in media policymaking. The Minister commented in a letter that the recommendations about the Broadcasting Act listed in the Waikato Citizens' Jury Report had been placed "before my officials for consideration as they develop policy for me" (M. L. Hobbs, personal communication, 2000, April 26). In this same letter, the Minister stated that the TVNZ charter "will be developed following a process of public consultation". However, the draft charter was compiled internally by broadcasting policymakers without any public consultation. Citizens were invited to submit comments - after its compilation. A public meeting in Christchurch to discuss the draft document attracted only seven people (*Waikato Times*, 2000, October 25, p. 9).

This approach reflects the same misunderstanding of public participation and public consultation practice as the approach taken by the Wellington City Council 1996 Jury initiative. As stated already in chapter five the approach to consult citizens occurs too late in the decision-making process to be genuine. As a result it can appear to citizens to be worthless or an elite attempt to divert attention from already made decisions. After decades of this type of political behaviour citizens are wise to

actions that simultaneously give the impression there will be change while actually window dressing a maintenance of the status quo.

## **2. The promotion of participatory democracy in broadcasting**

Another tactic giving an impression of change without substance may be discerned in the government's mention of "participatory democracy" in the new regulatory proposals for broadcasting (i.e., *Broadcasting Policy: Objectives and Delivery Mechanisms*, Hobbs, 2000, July 6). This policy objective states a goal to achieve: "the promotion of participatory democracy, including encouragement of a diversity of sources of information" (no. 5). Like the word community the word democracy denotes certain values and "is widely regarded as a good thing" but it is equally hard to define (Plant, 1974, p. 11). For example, the press industry states it assists the democratic process through disseminating information and a country is defined as undemocratic if it restricts the activities of employees of the press industry (Balding, 2000).

The Labour Alliance government's use of the term "participatory democracy" and a new preference by the Minister of Broadcasting to use the word "citizen" instead of audience or consumers, when referring to broadcasting users in recent media interviews, is a new direction reflected in the work of this thesis. Karim (1999) claims "audience" and "public" are words that create a distance or disconnection so the adopting of the term "citizen" for the purpose of this research is appropriate but for the Minister to use it, along with the new policy objective, suggests some kind of future

citizen inclusion in broadcasting policies. This recent development also provides the final link in my assessment that New Zealand has historically followed a pathway of institutional pluralism in broadcasting policymaking, as participatory democracy infers neo-pluralism (see chapter four).

The new goal of citizen inclusion is however, contradicted by another objective in this same government policy statement. The document lists a goal of an:

Enforcement of standards content which conform with and support “perceived” community values. This goal is met in New Zealand through the mechanism of the Broadcasting Standards Authority . . . There is currently no proposal to alter or amend this regime (Hobbs, 2000, July 6).

In 1999, radio broadcasters rewrote their Code of Practice document without any public consultation and television broadcasters initiated a very narrow and unrepresentative community consultation process for their present Code review. The Broadcasting Standards Authority approved both these review processes even though both Code documents are radically different from their previous formats. It is unlikely any participatory democracy process will be activated as the current legislative regime (i. e., the Broadcasting Act, 1989) allows public participation/consultation about the Codes to be decided by broadcasters and the Broadcasting Standards Authority, and no legislative alterations are intended. Consequently, the principle of participatory democracy, in the new broadcasting policy document is yet another carefully worded participatory illusion along the lines of the principle of consultation for the Codes of Broadcasting Practice outlined in the Broadcasting Act (1989). These recent events

confirm yet again how the regulation and structuring of public participation is “a political act” (Yuval-Davis, 1997, p. 13).

On a more positive note some media commentators (e. g., Schulze, 1996, p. 55) explain that new technical innovations like interactive television and the proliferation of media choice could make it an economic necessity to treat media viewers and users as people possessing practical reason. However, such active citizen participation will challenge the present status of broadcasting executives and their present bureaucratic practices. Consequently, a lack of encouragement for this new broadcasting objective will tell us more about the character of those who strive to maintain in-group elite control and their out-group attitudes towards citizen stakeholders. This is because perceptions about the behaviour of the in-group can be formed from observations over a long period of time, as in this thesis, while their perceptions about the behaviour or functioning of the citizen out-group are merely assumptions, due to the lack of interaction and evidence.

In Britain, the New Labour government’s promotion of participatory democracy is becoming a functioning reality through the increasing use of Citizens’ Juries. The increased usage is actively encouraged as a means to gather community ideas about public interest items like health, broadcasting, and new media to assist decision-making. In December 2000, the British government announced that it intends to form a single new super regulatory body for broadcasting and that the interests of citizens will be paramount. This proposal first appeared in a government Green Paper



(Department of Trade and Industry, 1998) and was a topic discussed during the interviews in Britain, which informed this thesis (Steel, 1998; Ketteringham, 1998).

The British government's new proposal includes a "powerful consumers panel to be placed at the centre" of the new giant regulatory body and they state that Citizens' Juries will be used as part of this process (see Wintour in *The Media Guardian Online*, December 12). This decision is an interesting trend as social policy has not traditionally been associated with the community, or consumer society (Edwards, 2000). However, in Britain there is a long-standing tradition of public service towards citizen interests in broadcasting. Also, unlike the New Zealand government, the British appear to recognise that if citizen participation is to take place, then mechanisms, such as Citizens' Juries, must be included in legislation to achieve the objective.

This approach perhaps also relates to another British initiative that is different to New Zealand - their development of long-term objectives and strategies for public policy. In 1993, the Institute of Public Policy Research based in London formed a Commission for Social Justice to discuss this issue. The Commission proposed four wide objectives for consideration across all public policies: "democracy, opportunity, fairness and security" (Murrone, 1997, p. 6). These British actions contrast sharply with both the lack of citizen inclusion in media policymaking in New Zealand and the historic lack of long term planning strategies for broadcasting. The emerging two-tiered approach to media regulation in Britain appears to belie Plant's statement that

“participatory democracy is an illusion: people always have been and always will be governed, controlled and manipulated by elites” (1974, p.65). The institutionalisation of Citizens’ Juries by the British government fits the pluralist dimension of social power and democracy, whereby citizens can participate in secondary groups to inform and influence decision-making (Olsen & Marger, 1993). The British actions conform to what can be increasingly seen as a worldwide trend emerging from the 1990s, and still being ignored in New Zealand, for greater citizen inclusion in the governing processes of public interest utilities.

### **3. The review of the Codes of Broadcasting Practice**

Clearly the trend towards thoughtful citizen inclusion did not form any major part of the review of the Free-To-Air television Code of Broadcasting Practice, which has been ongoing since February 2000. As the Television Broadcasters’ Council representative appointed to carry out the review, and rewrite the Code, expressed it in a communication to this researcher:

The legislation requires that in undertaking this task I must consult the community. . . . I would value your guidance on how you think I might go about getting a view representative of the community as a whole without having to go to full public submissions. . . . Can you suggest a method that I can use in undertaking this consultative process with it being a sort of “hit and miss” and rather random affair? (Edmunds, personal communication February 8, 2000).

The content acknowledges the need for the consultation process encouraged in the Broadcasting Act (1989 Section 21, no. 2) and the request shows that the Waikato Citizens’ Jury, or at least the participation of elites in it, had made some impact. However, it also reconfirms that how citizens can participate in policymaking is

decided by elites, whose disposition to dismiss more participative methods is obvious in the adjectival choice of “hit and miss” and “rather random”. My reply stated that the most manageable, representative and ethical public consultation process for such a public interest and community impact issue would be to organise Citizens’ Forums, in the North and South Islands. Citizens’ Forums can have up to 200 randomly chosen citizens and they replicate the procedures of Citizens’ Juries. Forums are again a public consultation process that has been used successfully overseas to inform media policies (e.g., Independent Television Commission January, 2000). Edmunds presented my public consultation proposals to both the Television Broadcasters’ Council and the Broadcasting Standards Authority. Unsurprisingly, the proposals were rejected. I was told anonymously by two different inner circle people that the chief executive of the Television Broadcaster’s Council strongly objected to any such citizen involvement and that the members of the Broadcasting Standards Authority would never agree to such a process (Anonymous, 2000; Anonymous, 2000).

The consultation process both organisations decided to use could not in any way be considered genuine, or representative. The process included “a list of something over a hundred people”, mostly academics, with half receiving a copy of the draft Code document, and the other half being sent letters inviting them to request a copy (Edmunds, personal communication, 2000, June 23). This consultation decision was thoroughly discussed with the Broadcasting Standards Authority. Edmunds explained:

It [the Authority] takes the view that the basic issues were canvassed with the public in its wide-ranging consultation process in connection with the Pay review. It believes the information gathered then was applicable to free to air

television as to Pay, and that as it was very recent it could safely be considered current (2000, June 23).

This poorly formed public consultation process setting programmes standards for nationwide broadcast television channels for another five years or more is doubly disappointing. Aside from its lack of grassroots community representation, it was also informed by research gained from a substantially different television context. As just one indicator illustrating the inadequacies of the process, the Waikato citizen jurors in July 1999 consistently stated subscription television has and could have more liberal standards than Free-To-Air viewing. In addition, there continues to be a rise in complaints to the Broadcasting Standards Authority in the category of “good taste and decency” (BSA, 2001 January). The Authority also says in this recent statement that “complaints about offensive language continue to account for a significant number of the Authority’s decisions”. This announcement contradicts the Authority’s 1999 research findings outlined to the Waikato jurors which claims that for the most part New Zealanders are unaffected by swearing and bad language in television content and confirms the Jury’s findings to the contrary.

The lack of grassroots community representation informing this long term community impact policy document made me decide to arrange a second Citizens’ Jury gathering. I contacted the 12 Waikato jurors and invited them to a daylong event to discuss the draft of the rewritten Codes of Broadcasting Practice compiled by the Television Broadcasters’ Council.

#### **4. The second Waikato Citizens' Jury**

This second Waikato Citizens' Jury gathering took place on Saturday 8 July 2000.

Though an additional research cycle, similar arrangements were made to the first Jury.

Full details about the event and background information were posted to the jurors so they would be prepared to discuss the draft document and lunch was provided at the event. When they arrived each juror again signed a consent form. Eight of the original 12 Waikato jurors attended the event. One did not arrive after initially accepting and three had to cancel at the last minute due to different unavoidable work and family commitments.

The extensive discussions about programme regulations and the content of the Code of Broadcasting Practice during their first gathering in July 1999 provided the Jury group with a comprehensive knowledge base to assist their assessment of the draft document. The jurors began by comparing the various standards of the present Code with the principles and guidelines of the newly rewritten Code. Later, general conclusions and interacting topics were discussed. The day-long consultation produced a number of group statements as well as some individual responses (see Appendix N). The jurors unanimously considered the proposed new Code compiled by broadcasters to be extremely simplistic in its format and so open in its principles that it would be an ineffective and inappropriate operational document. One juror wrote down a summary of the group's decisions, which each juror signed. The summary states:

The revised Code is much harder to follow with the principles being less defined thereby giving broadcasters more flexibility and "outs" when dealing with marginal issues. The Code is generally geared towards the rights of the broadcaster rather than the rights of the public. We still have a consensus of

opinion about the standards of broadcasting as decided last year as members of the Waikato Citizens' Jury. For example:

- Regular consultation with the public about regulation
- Public should be empowered to have an input
- Television broadcasting should be regulated by public not owners
- Public should have easier access to complaints procedures
- Those in authority should recognise citizens have wisdom and know the difference between right and wrong

The lack of communication between the viewing public and the broadcasters is still there. Broadcasters are deciding what "we want" to view, and they also dictate the terms of any public input into the review process in a very narrow manner.

The series of group statements and the individually written statements were all approved by the jurors and sent by the research coordinator on their behalf to the Television Broadcasters' Council and the Broadcasting Standards Authority on 28 July 2000. The atmosphere amongst the jurors at the end of their consultations was one of frustrated resignation at the attitudes of the broadcasters. The Jury group asked for a copy of their recommendations and conclusions from the July 1999 Waikato Citizens' Jury (see Appendix M) to be attached, as they still considered these to be relevant.

Shortly before this Jury, in May 2000 during an interview with Dr Michael Stace, the executive director of the Broadcasting Standards Authority, he had said that a watchdog body like the Authority was essentially a good idea but queried "who was there to watch the watchdog?". I believe the Waikato citizen jurors have proved that grassroots citizens are very capable "watchers of the watchdog" and that the role of citizenship in relation to media is greatly underrated because of their marginalisation or exclusion by media's elites. In Britain, citizens are going to be legislatively

empowered as watchers of their new media watchdog through Citizens' Juries. The British decision recognises that an intercurative power system is important to combat the often remote and potentially inappropriate elite control of policies with a widespread community impact.

In December 2001 I received a further redraft of the proposed new Code from the Television Broadcasters' Council (Wallace, personal communication, 2000, December 8). Submission comments about this final draft were invited by 19 January 2001. The process of rewriting the Codes of Broadcasting Practice for Free-To-Air Television begun in February 2000 has still not been completed a year later.

The two latest appointments to the membership of the Broadcasting Standards Authority, replacing two members due to step down, are also of interest. The two new members announced by the Minister of Broadcasting are a Professor of Media Studies and a former television broadcaster and producer (Hobbs, 2000, September 22). These appointments take yet another step away from the grassroots community representation intended for the Authority's membership when it was first established, and another step towards the desire of broadcasters for more members with experience of their industry (Personal communications Fish, 2000; Wallace, 2000; Hardie, 1999).

## 5. Closing research reflections and new directions

*Question: What is the purpose of this closing transcript? Why have one?*

Action research inquiry, as stated in the preface, encourages reflective dialogue about a research process and specifies that it must be documented in some way (Eden & Huxham, 1996). To me the various research steps contain my reflections but there are insights that crop up only at the close of a project, often outside the main research theme. I can now more fully comprehend what Winter (1998) means when he talks about action research being a process of theoretical discovery. Action research inquiry produces a different type of theoretical journey but I am now finding an emphasis on reflection in writings that relate to this research study. For example, I recently located a discussion of Kant's philosophy in Dyson and Homolka (1996). They claim media studies topics usually relate to cause and effect issues whereas reflective judgement as an intellectual activity can inspire actions about how we ought to live. This thesis evolved from such reflections - so I will be examining this area more in future.

*Question: Okay. Let's move on. You mentioned research insights especially ones that happen after the close of a research project.*

I have discussed some already in the earlier sections of this postscript and in chapter nine I mentioned several different assumptions were challenged during the course of this research programme. The most obvious may be to have contextually framed a PhD thesis about media as an action research inquiry when the inquiry methodology is relatively new in media studies (particularly in New Zealand), still subject to critical dialogues in different areas, and attuned to making real world changes rather than



remaining restricted to theoretical analyses. Accordingly the whole approach of this thesis context may have challenged the more abstract norm of approaches for a thesis, and media research. One alternative, after looking at the expanse of research data and the long-term impacts of media executives, would have been to frame the topic through managerialism theory as the hypothesis is a result of elite decision-making. However, such an approach would have placed me more firmly on one side rather than walking between both, that is media and citizens.

*Question: What do you mean?*

Well, throughout the action project, I was understanding and supportive to both these groups. On the one hand, I was attempting to bring about a change of management practice by media authorities and on the other hand, I was siding with citizens, as I wanted to initiate greater public participation. Despite hindsight reflections about the suitability of other contexts like managerialism, I reverted to my choice of action research as the best match for the expanse and tensions of this research programme. Also, the second action research characteristic on Eden and Huxham's (1996) list states there must be a generation of knowledge beyond the domain of an action project. I have hinted at the limitations of current media management practices, in contrast to overseas media institutions, so this opened up an area for further investigation. The potential of further research in that area was confirmed through the request for public consultation ideas for the current Codes of Broadcasting Practice review. The request shows how this project's knowledge reached television officials, and that there was an openness to new ideas by some officials.

*Question: Can you name an example of an insight outside the research theme?*

One would be about how there are certain assumptions about language for a thesis and theoretical traditions for particular disciplines. For instance being involved in lengthy full-time community and professionally based research without any on-campus involvement created a distance from academic life. This distance was perhaps useful in that I was immersed in the issues but it influenced my writing style, which on reflection could be compared perhaps to the difference between a residential student and a correspondence student. Similarly my rather unusual choice of theoretical traditions (e. g., virtually ignoring the media predilection for Marxism and neo-Marxism in favour of updating ideas from Weber and Follet) involved the project in an intersection of action research and early organizational theory that suggested exclusions in the typical approaches of media studies.

*Question: What are these effects and why are they relevant?*

The decision to focus on an action plan to transform a social situation sent me in a direction where I interacted with people in a variety of occupations in New Zealand and overseas. The majority were external to an academic environment for a considerable period of time. As I explained in the preface dialogue, the external community focus and academic result orientation did not always prove an easy combination. In addition, another effect of this long community based research period was a noticeable loss of language sophistication in terms of what could be called the academic norm. Carr-Chellman (2000) notes this factor in distance education students. Ansley and Gaventa (1997) also talk about this as a factor in community-

based research but go on to claim that academics need to be educated to the reality that publications and research products carried out in communities, and for communities, are likely to look quite different from the academic norm. With regard to the theoretical traditions the applicability of my findings to policymakers and their need to acknowledge them was aided (although this was not the reason for the orientation) by using theorists who were less dismissive of their lifeworlds.

*Question: Has this proved limiting?*

Not in relation to the applicability of the findings. Nor, do I feel with regard to the writing, but I am aware I have hit a somewhat dichotomous situation. On the one hand, I am seeking institutional academic acceptance through writing this thesis while on the other hand I very much want to convey the results of this research programme to a much wider audience beyond academia which requires a more accessible language style. I hope I have succeeded in walking this tightrope. I think I may have as publications resulting from this period of research, in this language style, have brought unsolicited praise even from overseas academics searching for methodology material to inform their consultancy interests (e. g., Valvasori, personal communication, 2000, November 4). The academic distance, and my practice experience, has perhaps enabled me to communicate with greater clarity to a diverse array of people about my research results, especially to community organisations which were after all my focus. Information requests from local body authorities, councillors and city libraries have been numerous enough to confirm the research, and its application, was interesting to a variety of people and organisations.

*Question: What do you mean about communication clarity?*

Well, during this action research programme before any academic ideas could be discussed they had to be translated or reinterpreted for those in the community due to the level of language abstraction. The abstraction of academic language is suited to academic life but can be like a foreign language or communication barrier when relating to others in different social situations. It can also, in my experience, complicate the transmission of ideas, which was not something suitable for this research project that aimed at community transformation. If I had not been aware of this factor, I doubt the Citizens' Jury project would have succeeded so well or the later exchanges eventuated about the project with broadcasters, policymakers, local community representatives and other interested citizens. I think the simpler language style I deliberately chose for writing the report of the Waikato Citizens' Jury on behalf of the jurors also made the research results accessible to a wider range of people. Also, in this thesis I have deliberately included unedited comments by the citizen jurors and chose not to reinterpret them as I believe, like Ward (1996), that the application of academic language can obscure real-life content.

*Question: How can you measure the influence of the Waikato Citizens' Jury?*

Well, I don't think I will ever really know the level of influence but there have been signs it may be a seed for change. From an expansive perspective it is worth remembering that the Minister of Broadcasting and her policy advisors had my report about the Waikato Citizen's Jury many months before the release of the new policy developments for broadcasting. Perhaps my ideas coincided with ideas they had. I

don't think I will ever know whether any of my research results were a clear catalyst but they are reflected in several of the recent developments mentioned in this postscript.

*Question: Have there been any other changes that reflect aspects of your research?*

Yes, in particular there have been two recent changes made by television broadcasters.

A new series of community announcements are now appearing regularly on each broadcast television channel. These state that if anyone wishes to make a formal complaint about a programme they can write direct to the broadcaster and full contact details are provided on screen. This is a major change of practice. The former on-screen announcements were criticised by the Waikato jurors, as they did not clearly state the procedure for public complaints. The former announcements said programme complaints should be submitted to the Broadcasting Standards Authority, when the Authority is only a second stage appeal agency. The other change is the provision of greater detail about adult content in the classification messages prior to programmes being screened. The jurors also specifically addressed this issue and recommended more classification details be provided prior to programmes (see Appendix M). Also, the Minister of Broadcasting has just announced a review of the power and penalties of the Broadcasting Standards Authority. She suggested the penalties were so low they are little more than “a slap with a wet bus ticket” and some broadcasters were “giving the fingers” to the Authority (Hobbs, 2000, July 18). The Minister's comments closely parallel the conclusions and recommendations listed by

the Waikato jurors about the attitudes of broadcasters, and the low penalties imposed by the Authority.

Of course, the media interest at the time of the Waikato Citizens' Jury was also of assistance. News items, both published and broadcast, disseminated the action plan's intention throughout the country. The core people involved in television policymaking are now aware citizen participation can be achieved through Citizens' Juries, and the Jury report has been requested and read by many different individuals so this could all be construed as influence. The request for public consultation ideas by a television policymaker and the correspondence with the Minister of Broadcasting were both a direct result of the Waikato Citizens' Jury. In addition, I received a number of letters and phone calls after the project from people requesting further information. These requests came from city councillors in both the North and South Islands, as well as academics at other universities. I have twice noticed in local papers the suggestion that a Citizens' Jury be used to resolve issues. I do think that if an idea is put out into the community arena it may not immediately cause any noticeable ripples of change but it can have an effect in time through association. Ideas themselves are like change-agents. I have noticed this from practitioner projects.

*Question: What do you mean?*

I believe that a single individual can be a force for change, as a good, and timely idea, can be a catalyst. Gregory (1996) says that an "individual is as much an agent in changing and maintaining society as are the institutions which operate at the macro

level within society” (p. 489). This is a belief of mine and was probably instrumental to my deciding on a community-based response project after identifying the hypothesis problem. She also states that “anticipating a future form for society” (Gregory, 1996, p. 488) can drive the anticipated goal forward. To me the mere fact the Waikato Citizens’ Jury took place, and that it involved so many elites, means my promotion for genuine public participation in media policies is on the first rung to success, as the knowledge of how it can be achieved has been demonstrated and is now embedded in the minds of those elites. There are many authors from Giddens (1991) to Habermas (1986) who talk about such effects arising from individual actions and Foucault (1970) discusses how new knowledge enters systems through being embedded in discourses. Through this research programme I have intentionally sought to embed a number of new ideas in different discourses.

*Question: You mentioned that your values are implicated in the research process and how action research usually arises from a researcher’s values. Were any relevant?*

After this research experience, I think the values of a researcher are always part of a research process and are very relevant, especially when deciding a research direction but until this project, I didn’t see how fully they could be entwined. I can now confirm a researcher’s values are part of action research as Whitehead (1993) claims as this project definitely displays how I live my values more fully in my practice.

Not only do I have doubts about any research ever being absolutely objective, but I think it is feasible for all action research to be tracked back to a values based decision

by a researcher. Tetlock (1988) notes a greater degree of what he calls integrative complexity in people he categorises as liberal or moderate, as opposed to conservative. He concludes that this complexity also occurs more in pluralism discourses, as there is an inevitable tension. I found this intriguing as action research and its associated inquiry methods are all fields of complexity and tend to fall into categories that fit the pluralism model. They also usually involve topics that are inherently complex, as they delve into areas of conflicting values, and their researchers are often placed in an opposition role in real world social settings. This was certainly a theme of this study. This research, its choice of domain issue, and style of reasoning will therefore probably reveal a lot about my personality and values. Examining the place of values in an action researcher's choice of topic and direction could be another future investigation.

*Question: So your own values were integral to this research programme?*

Yes. Some were naturally incorporated due to many years of practitioner problem diagnosing and systematically designing solutions. I also think I have a predisposition towards what may be called collaborative practices and encouraging widespread consultation to resolve difficulties, as I believe the answers to most problems are not usually found inside offices. Consequently, the hypothesis that emerged from the media reviews possibly appeared stranger to me than someone else as I had a wide knowledge and experience of just how valuable consultation as a management activity can be to decision-making. It has proved beneficial, as well as ethical, for participants and associates in my consultancy contracts. All these values and skills connect in



various ways to action research and the research hypotheses. Because of my experience and skills I was aware what could be achieved as soon as I saw the emergent hypothesis, and the first step taken was like achieving the last step.

*Question: Is there anything else you would like to mention?* -

At the close of this research I have been reflecting about the theme of elite social power and became interested to diagnose my own form of social power during the research. I have already mentioned that I gained governmentality in the minds of some media elites. Foucault's theory that governmentality is a normalising process was certainly proven through this research. I am sure I had elite power in the minds of the citizen jurors as I appeared in charge, associated with elites and was attached to an elite institution - a university. However, in spite of all this "elite appearance" I was accepted by the Jury group more than the elites.

*Question: So, what did you find out about your own social power?*

The diagnosis search led me to feminist theory literature. I knew I had a pattern of taking on challenging and transformational style projects so, I wondered if this could link to issues of power and even perhaps being a woman? Jean Miller (1982) believes power is used differently by a woman than a man. She claims women traditionally engage in practices that are designed to empower others rather than dominate them and I tend to agree with her looking back at my own experience, but I do know men who consistently engage in work and projects to empower others so the fit was still not quite right. After wading through theories about how women tend to use more "power

to” tactics and then reading counter arguments about women also using top down “power over” tactics, as mothers towards children, I went back to Miller’s (1982) claim that women use power more to bring about change, as it fitted my research intention and how I saw my role. In a thesis that has often examined the negative impacts of power, I think I used any power I possessed to initiate change and to enhance the lives of others as she argues women tend to do. I tried and failed to change the attitudes of most television policymakers towards public participation but the jurors reported a renewed interest in public issues and stated they felt empowered by the Jury process.

*Question: So, what was the result of this personal power investigation?*

The closest match was the concept of transformational power as discussed by Luce Irigaray (cited by Kuykendallas in Treblicot, 1983). Transformative power has a very different form to the normal mechanisms of social power as it disappears when a task has ended. Irigaray’s description of how transformative power disperses fitted with my role in this research, as I only really had power during the project and from the project. It has gone now. I think this is a very positive use of power amidst the patterns of negative power use documented in this thesis. So, you see my values, practice style, including my use of social power, were not silent actors.

*Question: Do you think, like your citizen jurors, at the end of this research that ordinary citizens should have a say in media policies and corporates like TVNZ?*

Yes. Especially, as we are living in age of educated citizenry with numerous participation options to act as dialogue bridges. It is unfortunate that public sector services and business have become so intermingled from government restructurings. Their combined adoption of corporate management practices and branding exercises appears to have blurred public interest functions to the point of nonexistence in the minds of those in management positions, and this further distances citizens. I think the government's charter proposal for TVNZ, and its new programming guidelines, veering away from a merely commercial approach, will make it impossible for the network to continue to be a full member of the Television Broadcasters' Council. If it does continue, the network will be put in a position of siding with views that contradict the government's intentions for the publicly owned network. From insider information I think this has already been happening.

As a final comment, I do think that without a more collaborative style of community through methods like Citizens' Juries the present buzzwords of "knowledge economy", intellectual capital" and "bridging community gaps" branding this era will remain merely words. Unfortunately, they are also words that reinforce the perception of a community being composed of in and out-groups. At present, there is a lack of appreciation for the diverse and valuable resource that is community knowledge, and the wisdom of citizen experience. This action research has been my small contribution to changing this in media policymaking.

P.S.S. I've just thought of another action research cycle to commemorate the importance of citizen participation in building strong communities and to rejuvenate a sense of citizenship.

*Question: I thought you had finished?*

Action research programmes don't finish. They just spin off into new research cycles. Wouldn't it be a great project to get a special day or week in New Zealand officially declared in honour of citizen participation in governing processes? The Governor of the State of Nevada did it. He proclaimed 17 September 1998 to be a day to appreciate and encourage citizen participation. Also, media do intentionally position themselves as promoters of democracy on behalf of citizens so it could be interesting having them account each year for their public participation practices in their annual reports, like local authorities are supposed to. I can't? I don't see why not . . .

## **Appendixes**

- A: Ethics Research Committee Approval
- B: Waikato Citizens' Jury Participation Consent Form
- C: TV3/TV4 Network letter to Waikato Jury
- D: List of the Waikato Citizens' Jury presenters
- E: Pre Jury Questionnaire
- F: Post Jury Questionnaire
- G: Jury Evaluation Questionnaire
- H: Population sampling charts
- I: Random Sample Questionnaire
- J: Waikato Citizen Jurors' Profile List
- K: Waikato Citizens' Jury Agenda
- L: List of public complaint video clips
- M: Summary Waikato Jury recommendations/conclusions
- N: Conclusions of second Waikato Citizens' Jury
- O: List of New Zealand and overseas interviewees



The University of Waikato

Department of English

Te Whare Wā nanga o Waikato

Private Bag 3105, Hamilton, New Zealand  
Fax + 64-7-838 4722 Telephone + 64-7-856-2889

26 November 1996

Dear Ms Macbeth

Thank you for your letter of the 8th inst. and the copy of your research proposal.

Having read the proposal in the light of the University ethics policy guidelines I can give you my approval for the project, given your assurance that you will observe the General Principles for Research involving human participants. A copy of these General Principles is attached.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alan Riach', with a long horizontal line extending from the end of the signature.

Dr Alan Riach, Chairperson, School of Humanities Research and Ethics  
Committee

**Citizens' Jury Research Project  
Regulating Standards in New Zealand Television**

2 – 4 July 1999

---

**Jury participation/ research release form:**

As a member of the research project this is written assurance that your privacy will be respected. If at any time during the research project you have any concerns please contact the research coordinator, Rose Macbeth, as your willing participation and contribution to the event are highly valued.

You will not be identified in any publication / dissemination of the research findings unless prior consent is obtained personally by the researcher in advance.  
If direct quotations by individual jurors are used in any publication false names will be used to differentiate between participants.

When questionnaire results or data are being viewed by anyone other than the research coordinator, Rose Macbeth, any personal details that could identify you will be deleted or masked.

As part of this process of trust and consent between the researcher and jury participants a draft report of the results and data from the project will be sent to each participant for comments.

**Video Recording:**

The video recording being made of the research event is mainly to enable the researcher to have an accurate record of the proceedings for analysis. In addition the video recording may be used:

1. To provide material for a short edited video of the research project and its subject
2. To provide material for an edited video demonstrating the potential of Citizens' Juries as a viable new method for gathering public opinion

There is no intention for the video material to be broadcast to the general public. If this situation changes individual jury members will be approached for their consent.

Name:

Signature:

Date:

Rose S. Macbeth  
*Citizens' Jury Research Coordinator*

Signature:

Date:



TV3 NETWORK SERVICES Ltd  
TV4 NETWORK Ltd  
CANWEST GLOBAL SYSTEM



30 June 1999

**Rose S Macbeth**  
70 Memorial Drive  
Hamilton

FAXED

Dear Rose,

This is to confirm our telephone conversation where it was agreed that David Edmunds from Television New Zealand would represent the 'free-to-air' broadcasters during his presentation on the formal complaint system to your Citizens' Jury Project on Friday, 2 July.

As previously discussed, within the confines of our responsibilities under the Broadcasting Act there is effectively minimal difference in TVNZ's and TV3/TV4's processes for handling of formal complaints lodged with regard to the Act and the Codes of Television Broadcasting Practice. We certainly appreciated the opportunity offered to TV3/TV4 to take part in the Project - but we do believe your Jury members would have been "bored" by the sameness of our systems!

Obviously common to all free-to-air broadcasters is the criteria upon which complaints must be based in order to be accepted by broadcasters as "formal" complaints, and the time limits for lodgement, response, and referral (as outlined in the enclosed brochure prepared by the Authority).

Under the Broadcasting Act broadcasters must *establish procedures for investigating* formal complaints. In this regard TV3/TV4 has a Standards Committee made up of staff members from various departments within the networks, including Administration, Programming, Communications, News, Current Affairs and Appraisers.

Formal complaints received by the networks are forwarded to a central point, logged and an initial letter of acknowledgement sent to the complainant outlining the Standards under which the complaint will be considered or, if the grounds of the complaint are unclear, seeking further information from the complainant.

Copies of the complaint are sent to the network department responsible for the programme concerned (i.e. "20/20" related complaints are copied to Current Affairs staff, "3 News" and "Nightline" to News, international programmes to Programming, local (non-News) programmes to Local Programme Production, and promos to Programming/Communications, etc). These departments then provide a tape of the relevant programme along with background on the programme and their comments on the complaint.

**Finance and Administration**

3 Flower Street, Eden Terrace, Private Bag 92-624, Symonds Street, Auckland, New Zealand  
Phone 64-9-377 9730 Fax 64-9-302 2311



Members of the Standards Committee then review this material and the programme tape and determine whether or not they believe a breach of Standards has occurred. Should a breach of Standards be upheld the Committee then determines what, if any, action is required by the networks to address this and to avoid potential future breaches of this nature. A formal response is forwarded to the complainant on that basis.

Should the complainant be dissatisfied with the Committee's response, or by any action taken following a breach being upheld, they then have 20 working days from receipt of the Standards Committee's response in which to refer the matter to the Broadcasting Standards Authority for a review of the Committee's decision/actions.

The Authority then gives both the broadcaster and the complainant an opportunity to submit any further comments/information they believe the Authority should consider in its review. Following its review the Authority advises the broadcaster and complainant by way of their Decision, which is then released to the media and other interested parties.

The broadcaster and the complainant then have the option of appealing the Authority's decision and any penalty that may be imposed.

Rose, TV3/TV4 takes its responsibilities as a broadcaster, and the meeting of its requirements under the Codes and the Broadcasting Act, very seriously and it is obviously not to the networks' benefit to alienate viewers through the broadcast of material that viewers in general would find offensive or distasteful. We believe that, overall, the current complaints process adequately serves the viewing public and our networks.

Attached is the information you requested regarding formal complaints determined by TV3/TV4 1999 year-to-date.

Should you require anything further please let me know.

Yours sincerely,



**Di Winks**  
for **STANDARDS COMMITTEE**

**Waikato Citizens' Jury Presenters**

**David Edmunds, Auckland**

TVNZ Programme Standards Manager  
NZ Television Broadcasters Council representative

**Dr Michael Stace, Executive Director**

**Dr Wiebe Zwaga, Research & Communications Manager,**  
The Broadcasting Standards Authority, Wellington

**Dr Geoff Lealand, Hamilton**

Head of Department, Screen & Media Studies  
University of Waikato

**Helen Martin, Auckland**

Secondary School teacher & author

**Chris Watson, Palmerston North**

Senior Lecturer, English & Media Studies,  
Massey University

**Paul Smith, Auckland**

Journalist & media commentator

**Dr C. Kay Weaver, Hamilton**

Lecturer, Management Communication  
University of Waikato

**Jill Graham, Auckland**

TV Producer & Director

**Canon Gerald Hadlow, Rotorua**

Citizen interested in media standards

**Amanda Hayes & Inez McCaughan**

6<sup>th</sup> Form students, Hamilton Girls High School

## **PRE JURY QUESTIONNAIRE: RESULTS**

*The pre jury questionnaire asked the 12 jurors about their knowledge of the Broadcasting Standards Authority, regulation of standards and their opinions about the portrayal of some material on television. Some questions were replicated from the ITC Citizens' Juries to gain an international viewer comparison of 'taste and decency' attitudes.*

**1. Have you heard of the Broadcasting Standards Authority?**

11 ticked Yes

1 ticked No

**2. Please explain what you know about the Broadcasting Standards Authority**

Nothing	3
TV advertisement	1
Guardian of standards on TV	1
Regulates TV programmes	1
Handles complaints	5
Standards Authority for viewers & classifies programmes	1

**3. People who make adverts should be able to use images they want, even if there is a risk they may cause offence to some people**

Strongly agree	-
Agree	2
Neither agree nor disagree	5
Disagree	4
Strongly disagree	1

**The most important thing that regulators should do is to protect children**

Strongly agree	4
Agree	4
Neither agree nor disagree	3
Disagree	2
Strongly disagree	-

**Things that are likely to upset or offend even a minority of people should not be shown on television**

Strongly agree	1
Agree	-
Neither agree nor disagree	4
Disagree	6
Strongly disagree	1

**Parents should take more responsibility for what their children see on TV**

Strongly agree	8
Agree	2
Neither agree nor disagree	-
Disagree	1
Strongly disagree	1

**Some people enjoy watching material that other people find offensive.**

**Those people should be able to see what they want to.**

Strongly agree	-
Agree	5
Neither agree nor disagree	5
Disagree	1
Strongly disagree	1

**If people want to pay extra to watch particularly sexually explicit programmes not available on other TV channels they should be able to do this.**

Strongly agree	-
Agree	5
Neither agree nor disagree	6
Disagree	1
Strongly disagree	-

**There should be stricter regulation for people who make programmes than for people who make adverts**

Strongly agree	1
Agree	5
Neither agree nor disagree ( <i>1 noted it should be the same</i> )	4
Disagree	2
Strongly disagree	-

**4. Some people find the following unacceptable on television. What do you think? Please rank the items. (1=least acceptable, 7=most acceptable)**

(One juror stated all seven listed items acceptable within a context)

**Swearing or bad language**

1=	<i>Least acceptable</i>	2
2		-
3		6
4		1
5		-
6		2
7=	<i>Most acceptable</i>	-

**Racist language**

1=	<i>Least acceptable</i>	5
2		3
3		2
4		-
5		1
6		-
7=	<i>Most acceptable</i>	-

**Language which may be offensive to certain groups of people (i.e. people from particular regions, people with disabilities, women)**

1=	<i>Least acceptable</i>	4
2		2
3		3
4		2
5		-
6		-
7=	<i>Most acceptable</i>	-

**Nudity**

1=	<i>Least acceptable</i>	1
2		-
3		5
4		-
5		3
6		-
7=	<i>Most acceptable</i>	2

**Violence**

1=	<i>Least acceptable</i>	2
2		5
3		2
4		2
5		-
6		-
7=	<i>Most acceptable</i>	-

**Sex between a man and a woman**

1=	<i>Least acceptable</i>	2
2		3
3		2
4		2
5		1
6		-
7=	<i>Most acceptable</i>	1

**Sex between a man and a man, or a woman and a woman**

1=	<i>Least acceptable</i>	4
2		2
3		2
4		1
5		-
6		-
7=	<i>Most acceptable</i>	-

**5. What do you know about the regulation of standards in television?**

<i>Nil</i>	4
<i>Not a lot, very little</i>	6
<i>There is an Authority and programmes are classified</i>	1
<i>There should be a censor</i>	1

**6. What do you think about the amount of regulation of the content of television at the moment?**

- There needs to be more*
- Not much. There should be more.*
- Not sufficient for some content.*
- Extremely poor in terms of overall balance- i.e.number of hours of different types of content. Huge amounts of violence, very little intellectual stimulation.*
- Too liberal particularly where children are exposed to programmes that use violence, sex as a substitute for quality.*
- Not too bad*
- I don't know*

**7. Who should be the most important in regulating what is shown on TV?**

*(Jurors could tick one option or a combination)*

The government	Nil
The broadcasters or advertisers	Nil
An independent body, groups of ordinary citizens, viewers as they watch	4
Groups of ordinary citizens, viewers as they watch	3
Combination of all of all 5	1
An independent body, groups of ordinary citizens	3
Viewers as they watch	1

**8. What guidelines would you suggest are necessary or desirable for deciding whether something is acceptable or not on TV?**

- I think that the standards should be decided by a consensus of public opinion with set and non negotiable guidelines*
- The title and what the programme is all about*
- Protection of children, timing of adult and education programmes*
- I don't know*
- Protecting the natural, wholesome development of children, having some programmes on very late (after 11pm)*
- Can't answer as too content specific*
- Morals, good sense of moralistic values*
- Morality, Public Channel/Pay TV, hour of day, viewing audience (children/adults), general society's views*
- Panel percentage*
- A range between pure violence, sex and bad language and comedy*

**9. Which of the following were important to you when you decided to take part in this Citizens' Jury?**

*(Jurors could tick one or more statements)*

I am interested in the idea of public involvement	9
I am interested in taking part in a new piece of research	8
I was attracted by the money	2
I am curious	6
I am attracted by the idea of publicity	1

## **POST JURY QUESTIONNAIRE: RESULTS**

*The post jury questionnaire asked the 12 jurors about their knowledge of the Broadcasting Standards Authority, regulation of standards and their opinions again about the portrayal of some material on television. Questions from the ITC Juries were also replicated for an international comparison of viewers' "taste and decency" attitudes.*

**1. People who make adverts should be able to use images they want, even if there is a risk they may cause offence to some people**

Strongly agree	-
Agree	1
Neither agree nor disagree	3
Disagree	5
Strongly disagree	3

*Jurors comments:*

- *It depends on context and time aired*
- *Depends upon who, how many & why they are offended*

**The most important thing that regulators should do is to protect children**

Strongly agree	5
Agree	5
Neither agree nor disagree	2
Disagree	-
Strongly disagree	-

*Jurors' comments:*

- *It is important, but not the most important*
- *There are other important issues such as quality and ownership*

**Things that are likely to upset or offend even a minority of people should not be shown on television**

Strongly agree	1
Agree	2
Neither agree nor disagree	1
Disagree	6
Strongly disagree	2

*Juror's comment:*

- *You can't please all the people all of the time*



**Parents should take more responsibility for what their children see on TV**

Strongly agree	8
Agree	4
Neither agree nor disagree	-
Disagree	-
Strongly disagree	-

**Some people enjoy watching material that other people find offensive.**

**Those people should be able to see what they want to.**

Strongly agree	2
Agree	4
Neither agree nor disagree	3
Disagree	2
Strongly disagree	1

Juror's comment:

*-If they want to pay for it*

**If people want to pay extra to watch particularly sexually explicit programmes not available on other TV channels they should be able to do this.**

Strongly agree	2
Agree	6
Neither agree nor disagree	2
Disagree	2
Strongly disagree	-

**There should be stricter regulation for people who make programmes than for people who make adverts**

Strongly agree	-
Agree	4
Neither agree nor disagree	2
Disagree	6
Strongly disagree	-

2. Some people find the following unacceptable on television. What do you think? Please rank the items. (1=least acceptable, 7=most acceptable)

One juror did not rank the items and commented:

*If all these are explicit or gratuitous then they shouldn't be shown. If they are needed for the story-line then they should be shown (context and time aired have to be taken into account).*

**Swearing or bad language**

1=	Least acceptable	-
2		1
3		5
4		1
5		1
6		2
7=	Most acceptable	1

**Racist language**

1=	Least acceptable	4
2		3
3		4
4		-
5		-
6		-
7=	Most acceptable	-

**Language which may be offensive to certain groups of people (i.e. people from particular regions, people with disabilities, women)**

1=	Least acceptable	3
2		3
3		3
4		2
5		-
6		-
7=	Most acceptable	-

**Nudity**

1=	Least acceptable	-
2		-
3		4
4		2
5		1
6		2
7=	Most acceptable	2

**Violence**

1=	<i>Least acceptable</i>	2
2		3
3	↓	2
4		2
5		1
6		1
7=	<i>Most acceptable</i>	-

**Sex between a man and a woman**

1=	<i>Least acceptable</i>	2
2		3
3	↓	1
4		2
5		1
6		-
7=	<i>Most acceptable</i>	2

**Sex between a man and a man or a woman and a woman**

1=	<i>Least acceptable</i>	4
2		3
3	↓	2
4		-
5		1
6		-
7=	<i>Most acceptable</i>	1

**3. What do you know about the regulation of standards in television?**

Jurors' comments:

- Current standards are administered by broadcasters and BSA
- The codes of broadcasting practice, how they apply to complaints, who administers them and that broadcasters developed them
- Details of on screen programme classifications and scheduling
- The BSA, that all TV programmes are classified (G,PGR, AO) for different ages
- There are detailed rules that have to be followed when broadcasting things on TV
- That it all works okay but needs some changes now
- There are acceptable times for certain programmes on TV, if a complaint is made it can be processed under BSA guidelines and ultimately dismissed or upheld according to the code that was breached
- Phone and formal complaints are directed to the broadcaster, 8.30pm watershed.

**3. What do you know about the regulation of standards in television?**

(Jurors' comments continued-)

- Formal complaints go to the BSA which meets and makes a majority decision on the complaint. BSA can only rule on codes not quality or value of programme.
- Regulations quite lax. Decay of morals in society if unchecked. TV should be publicly owned and operated. Get rid of deregulation.
- Codes of broadcasting practice-used as guidelines for producers, broadcasters as to what is, or is not appropriate.
- Almost everything!
- BSA adjudicates formal complaints in accordance with Broadcasting Codes of Practice-there are few other regulations

**4. What do you think about the amount of regulation of the content of television at the moment?**

Jurors' comments:

- There is not sufficient regulation
- The codes of broadcasting practice are fair but should be changed to allow more definite classification and chance for stricter regulation
- Not enough regulation, not so much for standards but as far as content and type of programmes. Also the programming times need further regulation.
- Adequate with regard to standards but inadequate with regard to quality and quotas of programme types for example news, documentaries, drama etc.
- About right in terms of content of individual items. Should be more permissive after a certain time. Very poor in terms of overall balance in programming.
- Not much. I think the codes of broadcasting practice need to be more rigidly/strictly enforced. A lot to do with the quality of the material.
- Needs to be more stringent? Structure of broadcasting regulations, government input and funding issues need to be taken into consideration
- I am more concerned about the structure and purpose of the regulatory set up
- Good.
- Okay but time slots need changing for viewing
- It's okay. Watershed needs to change slightly. TV broadcasting structure has to change dramatically.
- Not enough. Need to make more regulations like another watershed at 10.30pm and before this time no AO programmes on air.
- Regulation of standards needs to be reviewed.

**5. Who should be the most important in regulating what is shown on television?**

*(Jurors could tick one option or a combination of listed options)*

The government	1
The broadcasters or advertisers, an independent body, groups of ordinary citizens <i>(but all in one group or body)</i>	1
An independent body, groups of ordinary citizens,	2
Groups of ordinary citizens, viewers as they watch	1
Combination of all 5 options	1
An independent body, groups of ordinary citizens	5
Groups of ordinary citizens	1

**6. What guidelines would you suggest are necessary or desirable for deciding whether something is acceptable or unacceptable on television?**

Jurors' comments:

- *Protection of our children*
- *Human wisdom/instinct plus a set of standards as guidelines. The effect on children must be considered*
- *Watersheds (8.30pm and 10.30pm for AO content, when it screens, a programme rating system, a quota guideline*
- *Taste and decency. Brutality towards people, animals, debasing humanity. Things which breach universal ethics or morality would help ensure a higher percentage of programmes which raise awareness and knowledge.*
- *Guidelines set by the censor to code footage and then set into the appropriate watershed timeframe with the censor's notes and code clearly broadcast first*
- *Items need more classification. For example R18, R16 and classified as to content (S,V,L,C,X). The higher the classification the later the item should be screened. For example X rated films only after midnight.*
- *Okay. But time slots need changing for viewing.*
- *Nudity and violence should be regulated*
- *Greater public input is required e.g. Citizens' Jury panels.*
- *The current guidelines cover this fairly well. Should also be general instinct.*
- *Use of our own wisdom, codes of honour, morals, is it suitable for the audience it is available for i.e. before or after watershed.*

**7. What is your opinion of the role of the Broadcasting Standards Authority?**

Jurors' comments:

- *They are a reactionary group who react once a complaint has been made.*
- *It is fairly much controlled by the broadcasting industry and does not seem to be proactive*
- *Needs better guidelines about what the public wants.*
- *Should not be complaints driven.*
- *The broadcasting standards are fine in my opinion.*

**7. What is your opinion of the role of the Broadcasting Standards Authority?**

Jurors' comments continued:

- Toothless and probably quite apathetic
- They look after each other (BSA and broadcasters). Don't hurt the broadcasters etc.
- It needs to enforce standards more and have higher/stronger penalties
- It is compliant-driven. It should become more proactive, user-friendly, and be an independent watchdog.
- Far too limited a range of authority and is a toothless creature in comparison to overseas standards bodies.
- I believe it is a reactive body that does not have enough authority to enforce sufficient penalties to deter broadcasters from breaching taste and decency standards.
- The BSA is complaints driven and should be more proactive in obtaining public opinion with regard to both programme content and the standards themselves.

**8. What is your opinion of the role of television broadcasters in regulating standards?**

Jurors' comments:

- Should be more restrictive than the current one. They should take more responsibility for complaints.
- The broadcaster must enforce standards without 'pushing the limit' constantly and relying on the complaints system, and must be proactive in accessing public opinion
- They are ambivalent to the public, are greedy commercially orientated and do not have the public interest at heart.
- When the structures for standards are empowered they would be obliged to look carefully at their standards. At present this doesn't happen.
- Broadcasters are not particularly interested in regulating standards. They are supposed to abide by them but are often interested in pushing the boundaries.
- Their role needs to be expanded. They need to be proactive and be much more aware of the standards.
- They need to have more input.
- They broadly adhere to required standards
- They have unprecedented boundaries. They need guidelines from public comment. These should not be dictated by polls or ratings.
- I think it is good they have an input into standards but they should use some of the feedback they have regarding their programming in a more constructive way
- They seem to set the standards and then push the limits at times.

**9. What do you think is the most important thing that regulators should think about when they are making decisions about taste and decency on television?**

Jurors' comments:

- Quality and suitability*
- Time of screening, likely audience, currently accepted norms*
- The protection of wholesome and good morals to make society a better place*
- What the people want and the times they are shown plus children*
- The time that programmes are scheduled*
- They need to see if the thing that is causing offence is gratuitous or not and the more potentially offensive something is the later it should be screened.*
- Viewing time*
- Was the viewer informed correctly about the programme? Was the programme in its correct watershed time frame? Was the offensive segment within context?*
- Allowing children in early childhood, the most powerful learning stage in our lives, to receive constructive things rather than destructive. Until we have a fully educated population they must take on the role of responsible parenting for the minority of households where this does not occur yet.*
- Children, programming time at which material is screened and fear of breaching standards (they have no fear).*
- Protection of children and being sensitive to the development and education of youth.*
- Protection of children from viewing violence and sex*

**10. What do you think about the following ways of regulating what is shown on television?**

	A very good way	A fairly good way	Not a good way	A very bad way
Legal restrictions: on certain material	5	5	2	
Scheduling: the 8.30pm watershed or others	8	4		
Scheduling certain material on certain channels		6	5	1
Warning before the programme	7	4	1	
Constant on screen warning	4	6	1	1
Classification: with warnings in listings magazines	7	4		
Subscription: Certain material should only be available on subscription	5	4	3	
Technology: Using smart cards or pin numbers	4	4	3	1
Codes: with the penalty of warnings or fines	6	5	1	



**11. Do you agree with the main conclusions of the Jury?**

All 12 Jurors wrote YES.

Some added the words: totally, absolutely and unequivocally.

**12. Do you think your views have changed after taking part in the Jury?**

8 jurors ticked Yes

3 jurors ticked No

1 juror ticked Yes and No

**If you answered Yes, please explain in what way your views have changed**

Jurors' comments:

*-I now have a bigger resource of knowledge on the subject*

*-I now have more knowledge on which to base my opinions and know things I didn't know before and have become more aware of TV and broadcasting issues.*

*-I have become tolerant of other people's desire to watch programmes that I consider objectionable or trash. I do not consider it necessary to protect other adults from being shocked.*

*-Tolerance levels, considering all sides of an argument, considering material in context, standing up for my right, knowledge of the issue.*

*-Am less emotive, more opinions based on discussion, research and information*

*-About what gets shown on TV, who watches and I learnt more about TV than I have ever known.*

*-I would prefer not to have the blood and guts of the news on TV at all but concede that to some it may be important, slotting it into a later time slot may be appropriate.*

*-I realised the BSA is very important, all TV programmes need regulation. It is not necessary to question children when making regulation.*

*-Have a broader understanding of broadcasting, the need to voice complaints and now have knowledge about procedures required to be effective in making good changes in community.*

*-That diversity of standards should be allowed. Scenes that I do not think should be seen on TV may not necessarily disturb other viewers.*

**13. Please make any further comments you wish:**

*-Thank you for inviting me to participate. Excellent informative medium in order to formulate opinions.*

*-Build up a more easier complaint system for TV programmes rather than "formal". Set up another watershed at 10.30pm to shift all AO programmes to after this time and make a system to improve the TV quality.*

**13. Please make any further comments you wish continued-**

*-I hope our comments and findings will be taken into consideration by the government and broadcasters (and be put into practice). I also hope that this Citizens' Jury method of discovering what the people think about issues concerning them will be used by other researchers and the government – so we have a voice again.*

*-Enjoyable process. Will need time to consider it in relation to other participation processes before being able to evaluate its usefulness/practicality for widespread community decision-making.*

*-Looking for change soon.*

*-This has been a very informative process with some very strong conclusions. I would only hope that these could in some way change the way NZ television broadcasting operates and improve programme content.*

*-Knowledge is power. The appalling state of NZ TV and the lack of standards have caused a desensitization and intellectual dulling of NZ citizens to the point where no one feels empowered enough and too apathetic to voice an opinion. If your population is uneducated and illiterate they are easier to control. The drop in TV standards has contributed to the general decline in NZ society. (Enough rant). Thank you for allowing me to be part of this process. I'm glad I participated. Thanks for your hard work.*

*-I still feel that a lot of what is on TV and seen as acceptable by broadcasters is trivialising the viewer and not taking into account that people probably need something to actually think about in deeper terms. It is unfortunate to me that some of the speakers actually seem to believe that it is okay to keep going down the track that broadcasting is going – they seem to want a freeing up more of what is acceptable. They seemed to me to be quite desensitized and that being desensitized is okay or that watching TV does not sensitize people. Those young people (High School student speakers) found not much wrong with what they watch – but what quality stuff have they got to base their opinions on?*

## WAIKATO CITIZENS' JURY EVALUATION: RESULTS

*This questionnaire completed at the close of the Jury event asked the 12 jurors for their opinions about: the presentation of the topic information, the Jury agenda, being recorded on video, viewing television clips, participating in the Jury and whether they would consider participating again, if asked. The questions were designed to not just assess this Jury event but assist the planning of any future Citizens' Jury event. The listed jurors' comments are unedited.*

**1. What do feel about the information presented to you during the Citizens' Jury?**

All of it went over my head	
Some of it went over my head	1
I understood most of it	7
I understood all of it	5
Other	

**2. Did you feel that the spoken information that you received from the speakers was:**

Too much	
About right	12
Not enough	

**3. Did you feel the written information that you received was:**

Too much	
About right	12
Not enough	
Comments:	
- No chance to read some of the books and folders which were passed around	
- Didn't have enough time to read during presentations	

**4. Did you feel that the length of each day (or the programme) was:**

Too long	
About right	11
Too short	1

**Comment:**

*I felt there was too much wasted time-would rather it had been more intensive (shorter breaks) with a Saturday night off.*

5. **What did you feel about watching the clips from television with other people?**

I didn't mind watching them with other people	12
I felt uncomfortable	
I have preferred to watch with smaller groups	
I would have preferred to watch them on my own	

6. **What did you think about the video clips?**

There were too many	1*
There weren't enough	1
We didn't have enough time to watch them	
We had enough time to watch them	10

**Comment:**

*\*Especially Saturday night – most did not add to our understanding gained from the first 2 or 3*

7. **What did you feel about the information you received about the clips?**

It was about the right amount	11
It wasn't enough	3
It was too much	

**Comment:**

*Perhaps we should have watched the clips before receiving the info (complaints) to formulate own ideas first*

8. **What did you think about the Jury group discussions?**

*(Jurors could tick one or more statements)*

There was enough time for different opinions	9
There was not enough time for different opinions	1
Everyone got a chance to speak	9
Everyone didn't get a chance to speak	1
Other: A lot of talk occurred in down time so it was all good	
- Needed some more small group work	

9. **What did you think about the way the Jury days had been put together?**

*(Jurors could tick one or more statements)*

The agenda over the three days was fair to all the different sides	11
The agenda over the three days was biased towards one side of the argument	
Other	

**10. Which aspects of the Jury did you find most useful in helping you to decide about the issues? (*Jurors could tick one or more statements*)**

Hearing from the speakers	11
The question and answer sessions	6
The full Jury discussions	- 10
The smaller group discussions	7
Watching the video clips from television complaints	6
Informal chats at break times	7
Just thinking at break times	1
Talking to others outside the Jury	3
Other	

**11. Is there anything that you think would have helped you to decide upon the issues which you think we should have included?**

5 stated No  
 - *Not really*  
 - *I think the programme fitted really well*  
 - *Information on overseas methods*

**12. Were you able to get your views across in the Jury discussions?**

**12 ticked Yes**

**Comments:**

- *Yes- Sometimes felt inadequate in voicing opinions, saying wrong thing? inarticulate*  
 - *I thought more than is said, but felt happy with my contributions on Sunday*  
 - *During meal breaks or small sessions*  
 - *Yes, I felt everyone listened to others*

**13. Please tell us how you felt being filmed during the Jury:**

It made no difference to me	6
I felt a bit self-conscious at first, but then I didn't mind	8
I felt inhibited	
It really distracted me	
Other	

**14. How do you feel about the Citizens' Jury you have just participated in?**

*(Jurors could tick one or more statements)*

I found the jury interesting	11
I found the jury informative	11
I found the jury enjoyable	10
I found the jury put me in a position of influence	5*
I found the jury boring	
I found the jury confusing	
I found the jury a depressing experience	
Comments: * <i>Don't know yet; Who knows?</i>	

**15. If asked would you take part in another Citizens' Jury?**

12 ticked Yes

**16. Would you recommend taking part in a Citizens' Jury to other people?**

12 ticked Yes

**17. What do you think is the best thing about a Citizens' Jury?**

- *It could be a move towards educated or true democracy*
- *The ability to discuss the case. Social interaction-meeting new people*
- *Meeting other people; respecting others views and having a say*
- *Great people, positive findings and fast group discussions for a group*
- *A cheap rapid effective means of gauging public opinion*
- *Know about B.S.A.*
- *Obtaining information in depth on a subject that enabled you to understand the subject and be able to recommend changes and alterations to existing format*
- *Being able to put forth your opinion*
- *Meeting new people and bringing ideas together*
- *It informs prior to asking for opinions*
- *Opportunity to concentrate on an issue without distractions*
- *It is the people and the x section of people formulating informed decisions*

**18. What do you think is the worst thing about a Citizens' Jury?**

- *May not truly represent, poorly selected*
- *What happens from here?*
- *Having to sleep!!*
- *Time (low pay. Joke!)*
- *Not enough time*
- *The hard bed!*
- *Nil*
- *Perhaps some people influence others to their view*
- *Not very interactive as these sorts of process go*
- *I enjoyed it all*

**19. What, if anything do you feel you have gained from taking part in a Citizens' Jury?**

- Knowledge, increased understanding*
- The need to make change for the better –Being effective advocate*
- A broadening of my horizons and tolerance levels, an understanding of the issue*
- Knowledge, confidence with group discussions and confidence in questioning "experts" without necessarily agreeing with them*
- A greater awareness of the media through the information that was submitted. The knowledge that many New Zealanders from different backgrounds can come to a consensus.*
- Information and being given a voice*
- Knowledge and understanding of what is happening around*
- An empowerment through information*
- Got a lot off my chest about poor quality of NZ TV, enjoyed learning about Citizen's Jury process and enjoyed the experience of being involved*
- A realisation of self worth-my opinion was listened to and at times debated*

**20. Do you think the jury's recommendations will have an effect?**

I wrote Yes

- wrote No

**Comments:** *I hope so*

*-I hope so, we now have the knowledge it's up to us to use it further*

*-I definitely hope so*

*-I think they should and hope they do, I suspect there would be strong commercial opposition*

*-I'd like to think so, but no not really*

- 21. Should ordinary people be involved in making decisions about taste and decency on television?**

12 ticked Yes

- 22. Do you feel a Citizens' Jury is a good way of involving ordinary people in making decisions?**

12 ticked Yes

- 23. Please make any further comments you wish about the Citizens' Jury:**

*-A great way to get the public point of view across because they have been informed on the subject for discussion.*

*-I hope this method is used in the future by government and researchers*

*-I hope it is used for other issues and that the powers that be take it seriously as being "the peoples' view".*

*-Many thanks for the opportunity to be involved. Would like to further explore the potential of using the process with you, especially in local govt. context.*

*Cheers!*

*-I enjoyed the company and the food. It was very well organised. It was great getting to know completely different people and working together for a common cause*



**New Zealand Population  
by Gender, Age, Ethnicity and Employment**

<b>Total New Zealand Population 1996</b>	
3,618,303	
<b>Women</b> 1,840,842	<b>Men</b> 1,777,464

<b>Age Group by Sex for Usually Resident Population 1996</b>									
	Under 5	5-9	10-14	15-19	20-24	25-29	30-34	35-39	40-44
Male	144,111	147,723	135,663	133,575	134,835	132,453	142,452	139,293	125,439
Female	135,489	140,571	128,523	129,405	136,926	140,850	151,032	145,923	129,600
	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-84	85+
Male	120,249	93,351	78,783	67,419	65,184	51,762	33,561	20,412	11,196
Female	120,942	93,366	79,818	67,845	67,788	61,902	48,726	34,869	27,264

<b>Ethnicity by Sex for Usually Resident Population 1996</b>						
	European	NZ Maori	Pacific Island	Asian	Other	Not specified
Male	1,270,041	258,000	85,113	77,112	7,836	79,362
Female	1,324,650	265,374	88,065	83,568	6,831	72,351
						<b>Total</b>
						1,777,461
						1,840,839

<b>Status in Employment for Usually Resident Population 1996, 15 Years and over</b>							
Paid Employee		Employer		Self-Employed and Without Employees		Unpaid Family Worker	
Full-Time	Part-Time	Full-Time	Part-Time	Full-Time	Part-Time	Full-Time	Part-Time
939,165	273,963	108,162	14,148	142,473	42,891	23,793	30,219
Not Specified		Total					
Full-Time	Part-Time						
39,180	16,830	1,630,821					

Source: New Zealand Statistics Census 1996

**Waikato, Region Area  
by Gender, Age, Ethnicity and Employment**

<b>Total Waikato Region Population 1996</b>	
350,125	
<b>Women</b>	<b>Men</b>
176,442	173,685

<b>Waikato Region Age Group by Sex for Usually Resident Population 1996</b>									
	Under 5	5-9	10-14	15-19	20-24	25-29	30-34	35-39	40-44
Male	15,075	15,270	14,520	13,707	13,284	12,390	13,086	13,227	11,859
Female	13,962	14,829	13,530	13,059	12,993	13,146	13,869	13,869	12,123
	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-84	85+
Male	11,202	8,859	7,503	6,636	6,363	4,764	3,003	1,944	990
Female	11,160	8,865	7,581	6,576	6,264	5,400	4,188	2,901	2,124

<b>Ethnicity by Sex for Usually Resident Population 1996</b>							
	European	NZ Maori	Pacific Island	Asian	Other	Not specified	Total
Male	123,834	35,334	3,432	3,891	450	6,744	173,685
Female	126,117	36,345	3,297	4,179	423	6,084	176,442

<b>Status in Employment for Usually Resident Population 1996, 15 Years and over</b>							
Paid Employee		Employer		Self-Employed and Without Employees		Unpaid Family Worker	
Full-Time	Part-Time	Full-Time	Part-Time	Full-Time	Part-Time	Full-Time	Part-Time
82,230	25,536	12,387	1,905	16,659	4,554	2,964	3,891
Not Specified		Total					
Full-Time	Part-Time						
3,696	1,641	155,463					

Source: New Zealand Statistics Census 1996, Regional Summaries

**New Zealand Population  
Family Type and Number of Children  
*For Families in Private Dwellings, 1996***

New Zealand Totals of Family Type and Number of Children 1996							
One Parent Family				Two Parent Family			
One Child	Two Children	Three or more	Total	One Child	Two children	Three or more	Total
91,434	48,789	28,029	168,258	147,438	164,571	114,558	426,567
Couples	Not Classifiable		Total				
354,588	87		949,497				

Waikato Region Totals of Family Type and Number of Children 1996							
One Parent Family				Two Parent Family			
One Child	Two Children	Three or more	Total	One Child	Two children	Three or more	Total
8,751	4,941	3,087	16,782	13,725	15,237	12,234	41,196
Couples	Not Classifiable		Total				
34,233	6		92,214				

Waikato District, Waipa District and Hamilton City Combined Totals of Family Type and Number of Children 1996							
One Parent Family				Two Parent Family			
One Child	Two Children	Three or more	Total	One Child	Two children	Three or more	Total
4,899	2,685	1,713	9,297	7,239	8,169	6,120	21,528
Couples	Not Classifiable		Total				
17,307	3		48,144				

Source: New Zealand Statistics, Census 1996

#### APPENDIX H 4.

### Waikato District, Waipa District and Hamilton City Combined Totals by Gender, Age, Ethnicity and Employment

<b>Total Combined Population 1996</b>	
186,420	
<b>Women</b>	<b>Men</b>
95364	91,056

<b>Age Group by Sex for Usually Resident Population 1996</b>									
	Under 5	5-9	10-14	15-19	20-24	25-29	30-34	35-39	40-44
Male	7,677	7,800	7,491	7,911	8,229	6,828	6,909	6,849	6,114
Female	7,056	7,542	6,933	8,085	8,409	7,443	7,335	7,389	6,657
	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-84	85+
Male	5,835	4,584	3,603	3,126	2,865	2,208	1,500	1,008	519
Female	6,039	4,572	3,684	3,313	3,063	2,766	2,253	1,704	1,209

<b>Ethnicity by Sex for Usually Resident Population 1996</b>						
	European	NZ Maori	Pacific Island	Asian	Other	Not specified
Male	65,616	17,019	1,479	3,153	357	3,429
Female	69,024	18,012	1,488	3,315	342	3,180
						<b>Total</b>
						91,053
						95,361

<b>Status in Employment for Usually Resident Population 1996, 15 Years and over</b>							
<b>Paid Employee</b>		<b>Employer</b>		<b>Self-Employed and Without Employees</b>		<b>Unpaid Family Worker</b>	
Full-Time	Part-Time	Full-Time	Part-Time	Full-Time	Part-Time	Full-Time	Part-Time
47,991	14,664	5,799	795	7,437	2,133	1,182	1,761
<b>Not Specified</b>		<b>Total</b>					
Full-Time	Part-Time						
1,890	840	84,495					

Source: New Zealand Statistics Census 1996

## QUESTIONNAIRE

1. Do you watch television regularly? Please tick one box.

Yes ☐ No ☐ If you answer is "No" please explain why below-

-----

2.

- I am interested in the idea of public involvement
- I am interested in taking part in a new piece of research
- I am attracted by the money
- I am curious
- I am attracted by the idea of publicity

2. Which of these types of TV programme do you watch regularly?

- News/current affairs
- Sitcoms
- Drama serials
- Films
- Sports
- Nature programmes
- Cookery programmes
- Chat shows
- Game shows
- Music programmes
- Home improvements
- Gardening programmes
- Children's programmes

3. What are the main reasons you watch television?

- Entertainment/enjoyment
- Education/information
- Escape/relax
- Habit
- Sport
- Boredom

4. Do you personally see or hear things on television that you find offensive?

If yes, what and why?

## Waikato Citizen Jurors' Profile List

Gender	Age Group	Ethnicity	Occupation	Household Composition
1. Female +	(30-34yrs)	NZ Maori	Public Health Nurse	Couple & 1 child
2. Male	(35-39yrs)	European	Environmentalism	Couple w/o children
3. Male	(30-34yrs)	Asian	Electr. Design Engineer	Couple & 1 child
4. Female +	(20-24yrs)	European	Export Administrator	Couple w/o children
5. Female +	(20-24yrs)	European	University Student	Couple & 3 children
6. Male* +	(40-44yrs)	European	Dairy Farmer	Couple & 2 children
7. Male* +	(25-29yrs)	European	University Student	Single, flatting
8. Female +	(40-44yrs)	NZ	Primary Teacher	Couple & 3 children,
9. Female	(35-39yrs)	Dutch	Secretary	Couple & 2 children
10. Male +	(55-59yrs)	European	Retired Teacher	Single
11. Female +	(35-39yrs)	NZ Maori	Caregiver to mother	1 parent & 3 children
12. Male	(55-59yrs)	European	Self-employed	Couple w/o children

\* Jurors with SKY Pay Television in their homes

+ Jury members who ticked Yes, to the question in their pre jury questionnaire asking:

Are you a member of any particular religious faith?

*Of the eight affirmative: 2 were regular Christian church attendees, 1 Rosacrucian, 2 designated Christian, 3 of affiliated spiritual belief. This information was gathered informally during the Jury event*

## Waikato Citizens' Jury Agenda 2 - 4 July 1999

**Friday 2 July** *Regulating television standards: Broadcaster and BSA systems, what is & what is not considered acceptable in NZ*

12 noon – 1.30pm     *Lunch*  
1.30pm                Jury convenes  
2pm                    David Edmunds, TVNZ Programme Standards  
                            Manager/ NZ Television Broadcasters' Council  
                            representative  
3.15pm                *Break*  
3.45 – 5pm          The Broadcasting Standards Authority,  
                            Dr Michael Stace & Dr Wiebe Zwaga  
6.30 pm                *Dinner*  
8 pm                    Jury convenes to view television complaint items

**Sat. 3 July** *Why regulate? What should we regulate?*

10am – 12 noon     Dr Geoff Lealand,  
                            Helen Martin,  
                            Chris Watson  
                            Paul Smith  
                            Dr C. Kay Weaver  
12 noon – 1.30pm     *Lunch*  
1.45pm                Jury convenes  
2pm                    Jill Graham  
                            Dr Geoff Lealand  
                            Canon Gerald Hadlow  
                            Amanda Hayes &  
                            Inez McCaughan  
3.45pm                *Break*  
4.00 – 5pm          Dr C. Kay Weaver & Jury discussion time  
6.30 pm                *Dinner*  
8pm                    Jury convenes to view television items

**Sunday 4 July** *Jury convenes to debate regulation of standards for television*

10 – 12 noon        Jury considers regulatory questions & principles  
                            *Lunch*  
1pm – 2.30pm       Jury presents findings  
                            Jury evaluation

*Citizens' Jury ends*

*Television items viewed by the Jurors that were the subject of formal complaints to The Broadcasting Standards Authority.*

1. **TV2 *Water Rats*, trailer broadcast 17/11/98 at about 8.03pm**  
Complaint that a trailer for the AO classified programme showing a naked couple in bed was broadcast during the PGR classified programme *Party of Five*.  
Decision: The Authority declined to uphold the complaint.
2. **TV One *Holmes*, Jim Rose Circus item broadcast 23/4/98 between 7-30pm**  
Complaint that the item breached the good taste standard and it was inappropriate and vulgar in the extreme considering it was screened when children would be watching.  
Decision: A majority of the Authority declined to uphold the complaint. A minority considered the item was inappropriately broadcast during family viewing time, especially given that the show itself, as well as the excerpts selected for broadcast, were intended for an adult audience.
3. **TV2 *Dharma and Greg* broadcast on TV2 4/11/98 at 7.30pm**  
Complaint that explicit programme content was unsuitable for broadcast before 8.30pm.  
Decision: A majority of the Authority upheld the complaint that standards G8 and G12 were breached. A minority decided the programme was correctly classified as being suitable for children under the guidance of parents and noted there was no explicit sexual activity shown.
4. **TV2 *Havoc*, music video 'Smack My Bitch Up' broadcast 10.30pm 7/6/98**  
Complaint that that the video breached several broadcasting standards (G2, G13, V4, V11) because of its portrayal of sexual violence, its exploitation of women and its promotion of contemptuous treatment of women.  
Decision: A majority of the BSA upheld the complaint that the item breached standards G2 and V11. A minority found no breach of the standard.
5. **TV One *Making of the Human Body*, trailer broadcast 9,10,11/11/89 6-8pm**  
Complaint the display of naked women in G or PGR time breached the standard requiring the observance of good taste and decency.  
Decision: The Authority declined to uphold the complaint.
6. **TV3 *News (6pm) Headhunters' Gang members arrest broadcast 11/12/98***  
Complaint that the footage of gang members giving the camera, and therefore the viewer, 'the fingers' did not maintain standards of good taste and decency.  
Decision: The Authority declined to uphold the complaint.



## **WAIKATO CITIZENS' JURY: RECOMMENDATIONS AND CONCLUSIONS**

### PART ONE: Regulating standards and the Broadcasting Standards Authority

1. The Jury agreed the present written Broadcasting Standards Authority codes of practice for television broadcasters are basically satisfactory.
2. They recommended there should be two watersheds: the present one at 8.30pm and a second one to be introduced at 10.30pm. Adult only content to be screened after 10.30pm and any potentially X rated material to be screened only after midnight, if at all. (A diversity of programmes re a quota system would ensure there is not too much AO, X rated material broadcast.)
3. The censor's film classification system should be introduced to rate programmes on television. This already publicly understood system would assist television broadcasters to more appropriately schedule TV material and provide more accurate programme previews and on screen guidelines for viewer judgement. One system would be better for the public. (For example M, R16, R18.) Any censor's comments could also be broadcast for additional clarity.
4. Taking into consideration the need to have an effective news service portraying the reality of events taking place in New Zealand and overseas the Jury concluded 6pm news items broadcast on any publicly owned channel should be suitable for all viewers including children. The PGR rating should be the news standard for 6pm broadcasts with items edited if necessary. News broadcasts scheduled between 10 to 11pm could show full uncut items.
5. Broadcasters need to be proactive in researching viewer opinions
6. Complaint procedures need reviewing and made easier. The present system is too cumbersome. The process needs to be made accessible for those who may be illiterate or uncomfortable responding by writing.
7. There needs to be harsher penalties for broadcasters breaking standards codes. The BSA should have more power to enforce higher penalties. The Jury believed broadcasters push boundaries more in our competitive all commercial environment and are also dismissive of any penalty because they are so small.
8. The Jury expressed concern about preschool children viewing the adult shows broadcast between 12 noon to 3pm. (Talk shows and soaps.) They also commented on shows with distinctly adult themes and sexual innuendo (*Veronica's Closet*, *Friends*, *Dharma and Gregg*) being scheduled before the 8.30pm watershed.

PART TWO: Broadcasting Structure and Regulation

1. The Jury blamed the 1989 Broadcasting Act and broadcasting deregulation for creating such a competitive commercial climate between broadcasters that the diverse needs of viewers are neglected in New Zealand.
2. The Jury concluded there should be one New Zealand publicly owned advertisement-free channel to provide a balance of information, education and entertainment programmes. The channel should be service-orientated to the public without any profit requirement or the need to pay a dividend to government. A quota system should be introduced to ensure a diversity of local content, documentaries, news and drama. (Jurors suggested funding for a national noncommercial channel could be provided by gathering a fee from commercial broadcasters via their licenses.)
3. There should be a non-syphoning law for items of national importance such as rugby, other sports and concerts.
4. There should be stricter criteria for broadcast television ownership. Private owners should be fit and proper. Broadcasting licenses should not be sold to the highest bidder.
5. Television broadcasters should be subject to standards defined in their licenses. For example a yearly monitoring appraisal could be carried out based on licensees' quality, diversity of programming and complaints.
6. Cross media ownership should not be permitted. Minority shareholding could be acceptable.
7. Broadcasting companies need to be customer focused.

*The Jury also recommended:*

- there should be regular consultation with the public about regulation
- the public should be empowered to have an input
- the Citizens' Jury system is a cost effective and rapid form of consultation
- the method of consultation should be interactive like the Jury process

*The Jury also provided the following principles:*

- the public have the right to have a say in broadcasting regulation
- television broadcasting should be regulated by the public not owners
- the public should have easier access to complaints procedures
- those in authority should recognise citizens have wisdom and know the difference between right and wrong

## **The Second Waikato Citizens' Jury held 8 July 2000**

### ***Recommendations and conclusions about the proposed new Code of Broadcasting Practice for Free-To-Air Television***

#### **Statement One:**

The group of Waikato citizens assessed the Code revision broadly as, firstly giving greater overall freedom to television broadcasters to push the standard boundaries of acceptable content, due to less carefully defined and specific topic standards, and secondly noted a number of ambiguities in different guidelines, a number of exclusions, and a more open approach to some standards in other guidelines, than in the present Code.

#### **Statement Two:**

The group generally thought it was harder to follow the intent of different standards in the format of the new proposed Code. They suggested this could give members of the public problems as they are required to give a specific standard or guideline as a basis for any formal complaint to a broadcaster, or any appeal to the Broadcasting Standards Authority. This lack of specificity and topic definition could also create difficulties for the BSA when assessing whether a breach of any standard in the Code had in fact occurred.

#### **Statement Three:**

The overall group reaction to the television broadcasters' draft was one of disappointment. This reaction was based, firstly on the fact that they had observed no improvement in the types of programmes being scheduled for broadcast since last year (more low budget reality shows masquerading as local content, repeats, lack of in depth news coverage etc.), and secondly the revised Code being simplified with some present Code areas being deleted, and others ambiguous. Overall, the new proposed Code was considered a reworking of the old one in a new format that now blurred the definition of those issues included.

#### **Statement Four:**

The group believes television broadcasters act in a self-regulatory manner for their industry with a competitive profit motive their only consideration, and that they continue to display no real understanding of viewers' standards or programming interests. They thought this attitude was particularly inappropriate from TVNZ, a publicly owned organisation, but also that all broadcasters should be required to be more viewer aware. They felt under the present circumstances that anything they had to say about the draft Code of Practice would be dismissed and have no effect. They also suggested that unless the industry was regulated in some manner only a noncommercial channel could uphold a generally acceptable standard of programme

content and quality and that this would then have an affect on the standards of commercial broadcasters. For example, there would be an alternative to the present superficial treatment of news and the lack of indepth current affairs being screened.

**Statement Five:**

The group thought public consultation about the Code revision should not have been limited to a small number of invited people. They mentioned that many friends had expressed an interest in the television code of standards review when told about it. The group thought the response process should have at least been widely advertised. The group disliked television broadcasters thinking members of the public were incapable of reading the draft Code and providing responses.

They suggested that the format and content of the draft Code, and especially the TBC draft policy about Children and Advertising on Television were extremely simplistic, especially in contrast to the policy documents most parents now engage with on school trustee boards. (Individual comment: broad, nonspecific policy statements like those produced by the TBC as a draft programme Code and the draft advertising Code would be laughed at and dismissed as inappropriate school operational documents.)

**Statement Six:**

There was discussion about the time of the watershed and also on screen warnings before and during AO content. The original Jury decision of two watersheds (one at 8.30pm and one at 10.30pm) was discussed and also the option of a single 9pm watershed to replace the present 8.30pm placement. No general agreement was reached but it was acknowledged it was difficult to protect children from AO content when parental rules vary so much. It was considered important that broadcasters adhere to the principle of not starting questionable AO content immediately at the watershed time to create a 'waterfall'.

It was suggested that when programme content of an obvious AO nature was being screened that any on screen warning should also be screened after ad breaks before a programme continued.

**Statement Seven:** (Written by a group member on behalf of group).

The revised Code is much harder to follow with the principles being less defined thereby giving broadcasters more flexibility and 'outs' when dealing with marginal issues.

The Code is generally geared towards the rights of the broadcaster rather than the rights of the public.

We still have a consensus of opinion about the standards of broadcasting as decided last year as members of the Waikato Citizens' Jury. For example:

- Regular consultation with the public about regulation
- Public should be empowered to have an input
- Television broadcasting should be regulated by public not owners
- Public should have easier access to complaints procedures

- Those in authority should recognise citizens have wisdom and know the difference between right and wrong

The lack of communication between the viewing public and the broadcasters is still there. Broadcasters are deciding what 'we want' to view, and also dictate the terms of any public input into the review process in a very narrow manner.

Individual Statements written by members of the second  
Waikato Citizens' Jury, 8 July 2000

**No. 1**

The content/principles of the new document give more leeway to broadcasters. There are less constraints/guidelines – therefore it is more difficult to pinpoint where principles have been breached. There is no mention of to educate and inform to a standard that is beneficial to the viewing public.

The mention of 'observance of good taste and decency according to current norms' leaves a broad interpretation, which in the past has led to the breaking down of these moral-type issues. A moral code of ethics would clarify meaning of 'good taste and decency'.

There needs to be a consultation with the public on what these broadcasting principles should be. Many people are interested and often concerned about the standard/quality of programming in New Zealand. Considering the power of the medium of broadcasting it is in the public's interest to be able to help set the standards – our voice needs to be heard.

We met as a Citizens' Jury a year ago to discuss these very things. And having discussed again these aspects we find we are in agreement that the broadcasters need to be proactive in researching viewer opinion. We also have some concerns about the quality of programmes and are concerned that this whole thing seems to be driven by money and ratings. There is no obligation to supply in-depth information and quality programming.

I am also concerned about children's television and advertising. Nos. 4, 5 and 6 policies of this draft document are contradictory and so broad that whoever wrote it seems to have covered the broadcaster for any 'error' in broadcasting

*Signed P.F.*

**No. 2**

So long as television and radio are commercially driven our most powerful and potentially informative medium will deny its ability to raise the consciousness and provide a standard of truth for the majority of our population. To give a person what she or he wants is to allow the self-perpetuation of ignorance.

Broadcasting should lift a society's standards, not reflect them unless the intellectual, moral and cultural level of that democratic society is already at the highest level.

It is possible to screen programmes for most of the available time which fulfill all the criteria of the BSA yet which are harmful as they do not lead us to a greater understanding of ourselves, life, or the universe. All good entertainment should be instructive and vice versa.

The BSA should be as much about what is not being presented as much as what is.

*Signed D. B.*

### **No. 3**

We consider that the revised standards are less specific than those they are intended to replace, and that they are therefore open to greater abuse by unscrupulous broadcasters. Having said that, the broad intent of the standards appears to have remained unchanged and we would therefore refer you to our earlier report which provides details of the standards we would wish to see put in place.

We remain strongly of the opinion that the purpose of broadcasting in NZ needs to be reviewed at a fundamental level, and particularly that the role it could potentially play in educating and informing the public be closely examined.

We are dismayed at the lack of public consultation over the issue of broadcasting in this country and demand to see the matter addressed before any standards or other changes to broadcasting practices are passed through legislation.

*Signed A. C.*

### **No. 4**

The draft free-to-air television Code of Broadcasting Practice appears to be essentially a rehash of the May 1996 Free-to air Television Programme Code.

However, the draft Code does not appear to be as detailed or comprehensive as the 1996 version. and its format is more difficult and ambiguous in its wording and therefore is harder to follow. The terms in the draft are more vague, than the 1996 Code document, which will allow broadcasters more leeway in their ability to fend off viewer complaints or concerns.

The wording in the draft would dissuade a complainant in lodging a protest (complaint) and this must be viewed as a serious impediment to the public complaint procedure.

The issue is one of having a clear direction vis-à-vis what constitutes the purpose of broadcasting. Presently NZ TV seems to be dollar and rating driven and predominantly designed as a purely entertainment medium. There is no serious attempt to educate, or raise the social awareness of the population.

While television has its good points (it stimulates discussion) its cons outweigh its benefits and I personally believe it is responsible for the 'dumbing down' of the population both at an educational level and in terms of the general level of morality in the nation.

Government bemoans the brain drain, the crime rate, and other socio-economic problems in this country, perhaps the role television has played in contributing to these issues is more relevant than it is given credence for.

The mechanics of the complaint procedure need to be redesigned and the public consulted more.

In conclusion, the concerns raised cannot be addressed until there is a frame of reference or defining principle about the purpose of television broadcasting.

Children need to be protected. If this one area was seriously addressed it would impact on the other areas.

*Signed C. J. K.*

## **No. 5**

The revised Code is much harder to follow with the principles are less defined, thereby giving broadcasters more flexibility and 'outs' when dealing with marginal issues.

The draft is generally geared towards the rights of broadcasters rather than the rights of the public. Specific comments:

- 4a/b Does not ensure that issues are covered 'fairly and impartially' as required in G3-G8 of the 1996 Code, giving freedom for broadcasters to air to distorted views/programmes.
- 2e Does not prohibit details of methods of suicides. Surely with the rate of youth suicide in NZ, in no way should NZ television provide information on how this might be accomplished.
- 9b Is too general, needs to include the rest of V5
- 8f The inclusion of this clause highlights the poor content of children's TV. This is an unacceptable condoning of violence. Whether violence is farcical or not, children still copy it.
- 2f The basic principles of the Bill of Rights need to be spelt out as the general public are not familiar with such law.

If the overall aim/mission of all NZ television broadcasting were to 'inform, educate and entertain' for the greater good and education of the public then the broadcasters code of standards would follow on from there.

It seems that regulation is the only method which will achieve this as broadcasters have failed so far to attempt this.to achieve this and ensure programme content is beneficial to the general public interest.

The lack of consultation with public regarding the guidelines is of particular concern. Having participated in the Jury last year I have a particular interest in this issue and yet was unaware of the revision of the Codes. I know from speaking with family and friends and associates that the general public is concerned about TV content and surrounding issues and they would participate if they knew how.  
(Re children and advertising draft document)

There needs to be restrictions on the type and amount of advertising within programmes including sponsorship of programmes and product placements within shows.

Signed S. V.

**No. 6**

The findings of the Citizens' Jury in 1999 still stand.

The new draft Code for standards (especially 5b) gives a bigger loophole for broadcasters.

There have been no changes since July 1999.

There has been no public consultation. It has been prepared for broadcasters and is not viewer orientated.

The standards set the limits or boundaries only.

I believe the BSA should also set broadcasting content re news, documentaries, movies which should include quotas for education, information and entertainment, sport, local content..The issue of a broadcasting license would depend on compliance with a specified programme content. A change in the Broadcasting Act is required.

*Signed G. L.*



**Interviews: UK and USA**

Jane Sancho-Aldridge,  
Senior Research Officer,  
Independent Television Commission,  
London, UK  
(25 September 1998)

Katherine Lannon,  
BBC Press & Programme Officer  
London, UK  
(30 September 1998)

Fraser Steel,  
Head of Programme Complaints  
BBC, London  
(12 October 1998)

Andrew Ketteringham,  
Communications Officer  
Broadcasting Standards Commission,  
London, UK  
(15 October 1998)

Pam Hanley, Senior Research Officer  
Independent Television Commission,  
London, UK  
(9 November 1999)

Catherine Meaden,  
Research Executive  
Opinion Leader Research,  
London, UK  
(5 November 1999)

Dr Dale Kunkle,  
Associate Professor  
Dept. Communication,  
University of California at  
Santa Barbara, USA  
(26 October 1998)

**Interviews: New Zealand**

David Edmunds  
Programme Standards Manager  
Television New Zealand Ltd  
Auckland  
(12 April 1998; April 2000)

Jan Hardie  
Former BSA member  
Christchurch  
(17 September 1999)

Dr Michael Stace, Executive Director  
Broadcasting Standards Authority  
Wellington  
(27 May 1998; 9 May 2000)

Dr Wiebe Zwaga  
Research and Communications Manager  
Broadcasting Standards Authority  
Wellington, NZ  
(27 May 1998)

Phillipa Ballard  
Complaints Manager  
Broadcasting Standards Authority  
(27 May 1998)

Jocelyn Fish DCNZM, CBE, JP  
Former BSA member  
Hamilton, NZ  
(10 February 2000)

Bruce Wallace  
Chief Executive  
NZ Television Broadcasters' Council  
Auckland, NZ  
(7 September 1999)

## Bibliography

- Althusser, L. (1971). Ideology and ideological state apparatuses. In *Lenin and philosophy and other essays*. (B. Brewer, Trans.) London: New Left Review.
- Anderson, J. E. (1994). *Public policymaking: An introduction*. Boston: Houghton Mifflin.
- Atkinson, D. (1997). Overview of a crisis. In D. Atkinson, & M. Raboy (Eds.), *Public service broadcasting: The challenge of the 21<sup>st</sup> Century* (pp.19-30). France: UNESCO Publishing.
- Bakhtin, M. M. (1981). *The dialogic imagination: Four essays*. Austin: University of Texas.
- Balding, T. (2000, May 3). A free press in a free country. *Otago Daily Times*. p. 6.
- Ballard, P. (1994). *Power and responsibility: Broadcasters striking a balance*. Wellington: Broadcasting Standards Authority.
- Kellner, D. (1998). Towards a critical theory of television. In R. Dickinson, R. Harindranath, & O. Linne (Eds.), *Approaches to audiences: A reader* (pp. 36-49). London: Arnold.
- Barthes, R. (1977). *Image, music, text*. (Trans. S. Heath). Glasgow: William Collins.
- Bell, A. (1991). *The language of news media*. Oxford: Basil Blackwell.
- British Broadcasting Corporation. (1997, December). *Governing today's BBC: Broadcasting, public interest and accountability*. London: British Broadcasting Corporation.

- Bell, A. (1995). An endangered species: Local programming in the New Zealand television market, *Media, Culture and Society*, 17, 181-200.
- Biocca, F. (Ed.). (1991). *Television and political advertising*. (Vol.2). Hillsdale, NJ: Lawrence Erlbaum Associates.
- Blumer, H. (1939). Collective behaviour. In R. E. Park. (Ed.), *An outline of the principles of sociology* (pp.221-80). New York: Barnes and Noble.
- Boston, J., Martin, J., Pallot, J., & Walsh, P. (1991). *Reshaping the state: New Zealand's bureaucratic revolution*. Auckland: Oxford University Press.
- Boswell, D. J. (1996, June 3). Why waste money on consultation? [Letter to editor]. *The Evening Post*, p. 4.
- Bowes, A. M. (1996). Evaluating an empowering research strategy: Reflections on action-research with South Asian women. *Sociological Research Online*, 1(1).
- Boyd-Barrett, O. (1980). *The international news agencies*. London: Constable.
- Boyd-Barrett, O., & Newbold, C. (1995). *Approaches to media*. London: Hodder Headline.
- Boyd-Bell, R. (1985). *New Zealand television: The first 25 years*. Auckland: Reed Methuen.
- Bradley, S. W. (1973). *Newspapers: An analysis of the press in New Zealand*. Auckland: Heinmann Educational Books.
- Branston, G. (1998). *Histories of British television*. In C. Geraghty, & D. Lusted (Eds.), *The television studies book* (pp.51-62). London: Arnold.
- Broadcasting Standards Authority. (1990, June). *Annual report*. Wellington: Broadcasting Standards Authority.

- Broadcasting Standards Authority. (1993, July). *Perceptions of good taste and decency in television and radio broadcasts*. Wellington: Broadcasting Standards Authority.
- Broadcasting Standards Authority. (1997, October). *Community attitudes to adult material on Pay Television*. Wellington: Broadcasting Standards Authority.
- Broadcasting Standards Authority. (1999, January). The authority's public awareness survey. *BSA Quarterly*, 1.
- Broadcasting Standards Authority. (1999, June). *Annual report*. Wellington: Broadcasting Standards Authority.
- Broadcasting Standards Authority. (1999, July). Consensus on acceptability of language, violence and sex in broadcasting. *BSA Quarterly*, 3.
- Broadcasting Standards Authority. (1999, October). Concern about privacy tops list in BSA survey. *BSA Quarterly*, 4.
- Broadcasting Standards Authority. (2000, April). Children's media use research. *BSA Quarterly*, 6.
- Broadcasting Standards Authority. (2000, July). Children report on their media use. *BSA Quarterly*, 7.
- Broadcasting Standards Authority. (2001 January). Decisions. *BSA Quarterly*, 9.
- Broadcasting Standards Council. (1996). *Annual report 1995-1996*. London: Broadcasting Standards Council.
- Brown, E. (1996, June). That RSVP factor. *New Zealand Local Government Newsletter*, p 15.

- Brown, P. (1996). The role of the evaluator in comprehensive community development initiatives. In J. P. Connell, A. C. Kubisch, L. B. Schorr, & C. H. Weiss (Eds.), *New approaches to evaluating community initiatives* (pp. 201-225). Washington, DC: Aspen Institute.
- Browne, D. R. (1989). *Comparing broadcast systems: The experiences of six industrialised nations*. Iowa: Iowa State University Press.
- Browne, N. (1998). The political economy of the television (super) text. In N. Browne. (Ed.), *American television: New directions in history and theory* (pp.69-79). Philadelphia, PA: Harwood Academic Publishers.
- Burrows, J. F. (1980). *News media law in New Zealand*. Wellington: The Newspapers Publishers Association of N.Z. (Inc).
- Carr-Chellman, A. A. (2000). Distance education: A reflective action research project and its systemic implications for higher education. *Journal of Systemic Practice and Action Research*, 13(4), 587-612.
- Catt, H. (1997). Representation. In R. Miller (Ed.), *New Zealand politics in Transition* (pp. 397-407). Oxford: Oxford University Press.
- Chatterjee, S., Conway, P., Dalziel, P., Eichbaum, C., Harris, P., Philpott, B., & Shaw, R. (1999). *The new politics: A third way for New Zealand*. Palmerston North: Dunmore Press.
- Chen, M. (1994, December). *The impact of MMP on public consultation*. Paper presented to Public Consultation Process Conference, Wellington.
- Cleland, D. I., & King, W. R. (1972). *Management: A systems approach*. New York: McGraw-Hill.
- Clemens, S. L. (1995). *Broadcasting standards in New Zealand. The Broadcasting Standards Authority: policy, action and repercussions*. Master's thesis, University of Canterbury, Christchurch, New Zealand.

- Cleveland, L., & Robinson, A. D. (Eds.). (1972). *Readings in New Zealand government*. Wellington: A. H. & A.W. Reed.
- Department Trade and Industry. (1998). *Regulating communications: Approaching convergence in the information age*. London: Department Trade and Industry.
- Comrie, M., & McGregor, J. (Eds.). (1992). *Whose news?* Palmerston North: The Dunmore Press.
- Condry, J. (1989). *The psychology of television*. Hillsdale, NJ: Lawrence Erlbaum Associates.
- Converse, P. (1970). Attitudes and nonattitudes: Continuation of a dialogue. In E. R. Tuft. (Ed.), *The quantitative analysis of social problems*. Reading, MA: Addison-Wesley.
- Cook, A. (1998). *Communication skills for urban planners*. Hong Kong: The University of Hong Kong.
- Corey, S. (1953). *Action research to improve school practices*. New York: Bureau of Publications, Columbia University.
- Corner, J., Schlesinger, P., & Silverstone, R. (Eds.). (1998). *International media research: A critical survey*. London: Routledge.
- Cousins, N. (1987). *The pathology of power*. New York: W. W. Norton & Co.
- Cutler, A. (1996, June 21). *Citizens' Jury report*. Wellington: Communications' Team, Wellington City Council.
- Czarniawska, B. (1998). *A narrative approach to organization studies*. London: Sage.
- Dahl, R. A. (1979). Procedural democracy. In P. Laslett, & J. Fishkin (Eds.), *Philosophy, politics and society* (pp. 97-112). Oxford: Basil Blackwell.

- Dahlgren, P. (1995). Cultural studies as a research perspective: Themes and tensions. In J. Corner, P. Schlesinger, & R. Silverstone (Eds.), *International media research: A critical survey* (pp. 48-64). London: Routledge.
- Day, P. (1994). *The radio years: A history of broadcasting in New Zealand*. (Vol.1). Auckland: Auckland University Press.
- Day, P. (1990). *The making of the New Zealand Press 1840-1880: A study of the organisational and political concerns of New Zealand newspaper controllers*. Wellington: Victoria University Press.
- Deacon, D., Pickering, M., Golding, P., & Murdock, G. (1999). *Researching Communications: A practical guide to methods in media and cultural analysis*. London: Arnold.
- Department Internal Affairs. (1997). *Building strong communities: A 'thinkpiece'*. Wellington: Department Internal Affairs.
- Deshler, D., & Ewert, M. (1995). *Participatory action research: Traditions and major assumptions*. PARnet. Org. [On-line].
- Dickinson, R., Harindranath, R., & Linne, O. (Eds.) (1998). *Approaches to audiences: A reader*. London: Arnold.
- Dickinson, G., Hill, M., & Zwaga, W. (2000). *Monitoring community attitudes in changing mediascapes*. Wellington: Broadcasting Standards Authority.
- Donald, J. (1998). Perpetual noise: Thinking about media regulation. *Continuum: Journal of Media & Cultural Studies*, 12(2), 17-232.
- Drigotas, S. M., Insko, C., & Schopler, J. (1998). Mere categorization and competition: A closer look at social identity theory and discontinuity effect. In S. Worchel, J. F. Morales, D. Paez, & J. Deschamps (Eds.), *Social identity: International perspectives* (pp. 180-198). London: Sage.

- Drummond, P., Paterson, R., & Willis, J. (Eds.). (1993). *National identity and Europe: The television revolution*. London: BFI Publishing.
- Du Fresne, K. (1994). *Free press free society*. Wellington: Newspaper Publishers Association of New Zealand (Inc).
- Dye, T. R. (1984). *Understanding public policy*. (5<sup>th</sup> ed.). Englewood Cliffs: Prentice Hall.
- Dyson, K., & Homolka, W. (Eds.). (1996). *Culture first: Promoting standards in the new media age*. London: Cassell.
- Economic Monitoring Group. (1985). *The regulated economy*. Wellington: New Zealand Planning Council.
- Eden, C., & Huxham, C. (1996). Action research for the study of organisations. In S. Clegg, C. Hardy, & W. R. Nord (Eds.). *Handbook for organization studies* (pp. 526-542). Thousand Oaks, CA: Sage
- Edwards, B. (1972). *The public eye*. Wellington: Alister Taylor.
- Edwards, B. (1996, April 7). Advocate of the people's right to be involved. *Evening Post*, p. 7.
- Edwards, L. (1971). *Scrim: Radio rebel in retrospect*. Auckland: Hodder and Stoughton.
- Edwards, T. (2000). *Contradictions of consumption: Concepts, practices and policies in consumer society*. Buckingham, UK: Open University Press.
- Elden, M., & Chisholm, R. F. (1993). Emergent varieties of action research: Introduction to the special issue. *Human Relations*, 46, 121-142.



- Eldridge, J. E. T. (1970). *Max Weber: The interpretation of social reality*. London: Michael Joseph.
- Erik-Lane, J. (1993). *The public sector*. Thousand Oaks, CA: Sage.
- Etzionni, A. (1993). Power as a societal force. In M. E. Olsen, & M. N. Marger (Eds.), *Power in modern societies* (pp. 75-87). Boulder, CO: Westview Press.
- Eystone, R. (1971). *The threads of public policy: A study in policy leadership*. Indianapolis: Bobbs-Merrill.
- Fairweather, G. (1967). *Methods for experimental social innovation*. New York: George Wiley & Sons.
- Fals-Borda, O. (1979). Investigating reality in order to transform it: The Colombian experience. *Dialectical Anthropology*, 4, 33-55.
- Fals-Borda, O., & Rahman, M. (1991). *Action and knowledge*. New York: Apex Press.
- Farnsworth, J. (1992). Mainstream or minority: Ambiguities in state or market arrangements for New Zealand television. In J. Deeks, & N. Perry, *Controlling interests: Business, the state and society in New Zealand*. Auckland: Auckland University Press.
- Federal Communications Commission. (1998, 2000). [www. FCC Homepage](http://www.fcc.gov).
- Feinberg, J. (1973). *Social philosophy*. Englewood Cliffs, NJ: Prentice Hall.
- Fishkin, J. S., & Laslett, P. (Eds.). (1979). *Philosophy, politics and society*. Oxford: Basil Blackwell.
- Fishkin, J. S. (1991). *Democracy and deliberation*. New York: Yale University Press.

- Fishkin, J. S. (1995). *The voice of the people*. New York: Yale University Press.
- Follet, M. P. (1965). In H. C. Metcalf (Ed.), *Dynamic administration: The collected papers of Mary Parker Follett*. London: Sir Isaac Pitman and Sons.
- Foucault, M. (1979). Governmentality. (P. Pasquino, Trans./Ed.). *mf*, 3, 5-21.
- Foucault, M. (1972). *The archeology of knowledge and the discourse of language* (A. M. Smith, Trans.) New York: Pantheon.
- Foucault, M. (1970). *The order of things: An archeology of the human sciences* (A. Sheridan-Smith, Trans.). New York: Pantheon.
- Frey, L. R., Botan, C. H., Friedman, P. G., & Kreps, G. L. (1992). *Interpreting communication research: A case study approach*. Englewood Cliffs, NJ: Prentice Hall.
- Friedrich, C. J. (1963). *Man and his government*. New York: McGraw-Hill.
- Galtung, J. (1999). State, capital and civil society. In R. Vincent, K. Nordenstren, & M. Tralier (Eds.), *Towards equity in global communications*(pp. 3-21). New York: Hampton Press.
- Galtung, J. & Ruge, M. (1965). The structure of foreign news. *Journal of Peace Research*, 2(1), 64-91.
- Gane, M., & Johnson, T. (Eds.). (1993). *Foucault's new domains*. London; Routledge.
- Garbutt, R. (1988). *It's OK leaving here: A brief history of the first twenty-five years of television in Dunedin*. Dunedin: TVNZ.
- Gatenby, B., & Humphries, M. (2000). Feminist participatory action research: Methodological and ethical issues. *Women's Studies International Forum*, 23(1), 89-105.

- Gauntlett, D. (1995). *Moving experiences: Understanding television's influences and effects*. London: John Libbey.
- Gee, D. (1990, August). Airwaves theft. *OnFilm*, 34.
- Giddens, A. (1991). *Modernity and self-identity: Self and society in the late modern age*. Cambridge: Polity Press.
- Gilbert, J., Jones, G., Vitalis, T., & Walker, R. (1992). *Introduction to management in New Zealand*. Sydney: Harcourt Brace Jovanovich.
- Gilligen, C. (1982). *In a different voice*. Cambridge, MA: Harvard University Press.
- Girard, K. (1996). On the path of engaged evaluation: A personal response. In R. Stone (Ed.), *Core issues in comprehensive community building initiatives*. Chicago: Chaplin Hall Center.
- Greenwood, D. J., & Levin M. (2000). Reconstructing the relationships between universities and society through action research. In N. K. Denzin, & Y. S. Lincoln (Eds.), *Handbook of qualitative research* (pp. 85-106), Thousand Oaks. CA: Sage.
- Gregory, R.J. (1985). *Politics and broadcasting: Before and beyond the NZBC*. Palmerston North: The Dunmore Press.
- Gregory, W. J. (2000). Transforming self and society: A "critical appreciation" model. *Systematic Practice and Action Research*, 13(4), 475-501.
- Habermas, J. (1986). A philosophico-political profile: Written interview with P. Anderson & P. Dews. In P. Dews (Ed.), *Autonomy and solidarity*. London: Verso.
- Hall, J. H. (1981). *The history of broadcasting in New Zealand. 1920-1954*. Wellington: The Broadcasting Corporation of New Zealand.

- Hardt, H. (1992). *Critical communication studies: Communication, history and theory in America*. London: Routledge.
- Harvey, S. (1998). Doing it my way - broadcasting regulation in capitalist cultures: the case of 'fairness and 'impartiality. In *Media, Culture and Society*, 535-556. London: Sage
- Hayward, B. M. (1997). Public participation. In R. Miller (Ed.), *New Zealand politics in transition* (pp. 408-417). Auckland: Oxford University Press.
- Hawke, G. R. (1990). (Ed.). *Access to the airwaves: Issues in public sector broadcasting*. Wellington: Victoria University Press.
- Held, D. (1987). *Models of democracy*. San Francisco: Stanford University Press.
- Hobbs, M. L. (2000, July 6). *Broadcasting policy: Objectives and delivery mechanisms*. Wellington: Ministry of Broadcasting.
- Hobbs, M. L. (2000, July 6). *Broadcasting issues: Introductory paper: Platform and technology issues*. Wellington: Ministry of Broadcasting.
- Hobbs, M. L. (2000, September 19). *Draft TVNZ charter*. Wellington: Ministry of Broadcasting.
- Hobbs, M. L. (2000, September 22). *Albert Wendt for NZ On Air; Judy McGregor, Rodney Bryant for BSA*. Ministerial announcements. Releases from the office of Hon Marian Hobbs, <hobbs-releases@executive.govt.nz>
- Hobbs, M. L. (2000, July 18). Penalties too light – Hobbs. *The Dominion*, p.11.
- Holloway, J. (1979). *Radio in New Zealand*. Auckland: Reed Education.
- Hopkins, (1993). *A teachers guide to classroom research*. (2<sup>nd</sup> ed.). Bristol, England: Open University Press.

- Howarth, D. (1998). Discourse theory and political analysis. In E. Scarborough, & E. Tanenbaum (Eds.), *Research strategies in the social sciences: a guide to new approaches* (pp. 268-293). Oxford: Oxford University Press.
- Hurlburt, W. H. (2000). *The self-regulation of the legal profession in Canada and in England and Wales*. Canada: Law Society of Alberta.
- Hybels, S., & Weaver, R. L. (1992). *Communicating effectively*. New York: McGraw-Hill.
- Independent Television Commission. (1995). *The ITC programme code*. London: ITC.
- Independent Television Commission. (1997). *Television: The public's view 1997*. London: ITC.
- Independent Television Commission. (1997, November). Regulation. *ITC Notes*. London: ITC
- Independent Television Commission. (1998 March). *Cartoon crazy? Children's perceptions of 'action' cartoons*. London: ITC
- Independent Television Commission (1998, March). *Television on trial: Citizens' juries on taste and decency*. Report by Pam Hanley, Senior Research Officer. London: ITC.
- Independent Television Commission. (1998, August). *Likely to complain? Free-to-air versus subscription channels*. London: ITC.
- Independent Television Commission. (1998, September). Views sought on News at Ten. *ITC Bulletin*, 4.
- Independent Television Commission. (2000, January). *Internet regulation: The way forward?* London: ITC.

- Institute of Public Policy Research. (1997, October). *ITC Citizens' Juries: Report to the ITC*.
- Institute of Public Policy Research. (1998). *Citizens' Juries: Theory into practice*. London: Institute of Public Policy Research.
- International Association of Public Participation. (1999). www. Homepage
- Irvine, A. H. (Ed.). (1962). *Australasian universal dictionary*. Sydney: National Literary Association Inc.
- Jefferson Centre (2000). www. Homepage
- Jenkins, N. T., & Bennett, M. I. J. (1999). Towards an empowerment zone evaluation. *Economic Development Quarterly*, 13(1), 23.
- Jensen, K. B., & Rosengren, K. E. (1990). Five traditions of search of the audience. *European Journal of Communication*, 5, 207-238.
- Jesson, B. (1999). *Only their purpose is mad: The money men take over New Zealand*. Palmerston North: The Dunmore Press.
- Johnson, T. (1993). Expertise and the state. In M. Gane, & T. Johnson (Eds.), *Foucault's new domains* (pp.139-152). London: Routledge.
- Juneau, P. (1997). General introduction. In D. Atkinson, & M. Raboy, *Public service broadcasting: The challenge of the 21<sup>st</sup> Century* (pp.11-15). France: UNESCO Publishing.
- Kahn, W. A. (1990). Toward an agenda for business ethics research. *Academy of Management Review*, 15, 311-328.

- Karim, K. H. (1999). Participatory citizenship and the internet: Reframing access within the capabilities approach. *The Journal of International Communication*, 6(1), 57-68.
- Keane, J. (1991). *The media and democracy*. Cambridge: Polity Press.
- Kemmis, S., & McTaggart, R. (2000). Participatory action research. In N. K. Denzin, & Y. S. Lincoln (Eds.). *Handbook of qualitative research* (pp. 567-605). Thousand Oaks, CA: Sage.
- Klein, M. (1996). Foucauldian notions of governmentality: Its influence and active involvement and collaboration in constructionist practices and action research in pre service teacher education. *Education Action Research*, 4(3), 375-388.
- Krasnow, E. G., & Longley, L. D. (1973). *The politics of broadcast regulation*, New York: St Martins Press.
- Krattenmaker, T.G., & Lucas, A. (1994). *Regulating broadcast programming*. Cambridge, MA: MIT Press.
- Kunkel, D. (1998 May). Policy battles over defining children's educational television. *The Annals of the American Academy of Political and Social Science*, 557, 39-53
- Kunkel, D, Farinola, W., Cope, K., Donnerstein, E., Biely, E., & Zwarun, L. (1998, September). *Rating the TV ratings: One year out, an assessment of the television industry's use of V-chip ratings*. California: Kaiser Family Foundation.
- Kunkel, D. (1988). *From a raised eyebrow to a turned back: The FCC and children's product-related programming*. *Journal of Communication*, 38(4), 90-108.
- Lasswell, H. (1948). The structure and function of communication in society. In L. Bryson. (Ed.), *The communication of ideas* (pp. 37-51). New York: Harper and Row.

- Lealand, G. (1998). *Ratings and more damn ratings: Measuring television viewing in New Zealand*. Paper presented at 1998 NZ Film and Television Conference, Wellington.
- Leftwich, A. (1983). *Redefining politics: People resources and power*. London: Methuen.
- Lewin (1946). Action research and minority problems. *Journal of Social Issues*, 2, 34-46.
- Limburg, V. E. (1994). *Electronic media ethics*. Newton, MA: Butterworth-Heinemann.
- Lodziak, C. (1987). *The power of television: A critical appraisal*. London: Pinter.
- Loew, S. (1979). *Local planning*. London: Pembridge Press.
- Luthar, B. (1993). Identity management and popular representational forms. In P. Drummond, R. Paterson, & J. Willis (Eds.). *National identity and Europe: The television revolution*. London: BFI.
- Macbeth, R. S., & McKie, D. (2000, Summer). Citizens' Juries: Reclaiming public opinion from the marketers and pollsters. *Asia Pacific Journal of Public Relations*, 2(1), 83-89.
- Macbeth, R. S. (2000, March). *Creating public dialogue and rejuvenating Citizenship*. Hamilton, New Zealand: Waikato Management School Working Paper.
- Macbeth, R. S. (1999, July). *Waikato Citizens' Jury: Regulating standards and taste and decency issues in New Zealand television*. Hamilton, New Zealand.
- MacKay, I. (1953). *Broadcasting in New Zealand*. Wellington: A. H. & A. W. Reed.



- Madison, (1974). In R. J. Morgan (Ed.), Madison's theory of representation in the tenth federalist. *Journal of Politics*, 36, 863.
- Maharey, S. (1990). Understanding the media. In P. Spoonley, & W. Hirsh (Eds.). *Between the lines: Racism and the New Zealand media*. Auckland: Heineman Reed.
- Mann, J. (1965). *Changing human behaviour*. New York: Charles Scribner's Sons.
- Mazmanian, D., & Morell, D. (1994). The NIMBY syndrome: Facility siting and the failure of democratic discourse. In N. J. Vig, & M. E. Kraft (Eds.), *Environmental Policy in the 1990s*(pp. 233-247). Washington DC: Congressional Quarterly Books.
- Mayne, W. (1987). The jitters of July. *OnFilm*, 4(5), 33.
- McLeod, A. L. (Ed.). (1968). *The pattern of New Zealand culture*. Melbourne: Oxford University Press.
- McGregor, J. (1999). The dilemma of the news media: 'In the public interest' versus 'of public interest only'. In N. Monin, J. Monin, & R. Walker (Eds.), *Narratives of business and society: Differing New Zealand voices*(pp. 292-300). Auckland: Pearson Education.
- McKinlay, P. (Ed.). (1990). *Redistribution of power?* Wellington: Victoria University Press.
- McLuhan, M. (1968). *Understanding media*. London: Routledge and Kegan Paul Ltd.
- McQueen, D. (1998). *Television: A media student's guide*. London: Arnold.
- Metcalf, H. C., & Urwick, L. (Eds.). (1965). *Dynamic administration: The collected papers of Mary Parker Follett*. London: Sir Isaac Pitman and Sons.

- Miller, J. B. (1982). Colloquium: Women and power. In T. E. Wartenberg (Ed.). (1990), *The forms of power: From domination to transformation*. Philadelphia, PA: Temple University Press.
- Miller, P., & Rose, N. (1998). Governing political life. In M. Gane, & T. Johnson (Eds.), *Foucault's new domains* (pp. 75-105). London: Routledge.
- Mills, J. A., & Simmons, T. (1995). *Reading organizational theory*. Toronto: Garamond Press.
- Minow, N. (1964). *Equal time: The private broadcaster and the public interest*. New York: Atheneum.
- Moran, P. (1996, July 4). Citizens' juries to be dumped by council. *The Dominion*, p. 9.
- Moxon, M. (1999, July 3). Waikato jury put TV on trial. *New Zealand Herald*, p. A13.
- Moriarty, G. (1981). The future of broadcasting and frequency spectrum usage in New Zealand. In Communications Policy Research Group (Ed.), *Network New Zealand: Communications in the future*. Wellington: Commission for the Future.
- Mosco, V., & Rideout, V. (1998). Media policy in North America. In J. Corner, P. Schlesinger, & R. Silverstone (Eds.), *International media research: A critical survey* (pp. 154-183). London: Routledge.
- Mulgan, R. (1997). *Politics in New Zealand* (2<sup>nd</sup> ed.). Auckland: Auckland University Press.
- Murroni, C. (1997). One little, two little, three little regulators? *The Bulletin of the European Institute for the Media*, 14(3).
- National American Broadcasters (NAB) (1998). www. Homepage

- New Zealand Government. (1998). *Broadcasting Act*. Wellington: Ministry of Commerce.
- New Zealand Journalists Training Organisation. (1995). *Journalism: Your choice course options*. Wellington: NJTB.
- NZ On Air (1999). *Local content and diversity in ten countries*. Wellington: NZ On Air.
- NZ On Air. (1996 June). How are your programmes paid for? *NZ On Air Newsletter*.
- New Zealand Press Council. (1973). *An appraisal of sex, nudity and related topics in the New Zealand press*. Wellington: The New Zealand Press Council.
- New Zealand Press Council. (1992). *The press and the public: The twentieth report of the New Zealand press council*. Wellington: The New Zealand Press Council.
- New Zealand Press Council. (1995). *The press and the public: The twenty-third report of the New Zealand press council*. Wellington: The New Zealand Press Council.
- New Zealand On Air. (1999). *Local content in New Zealand television*. Wellington: NZ On Air.
- Neuman, R. W. (1986). *The paradox of mass politics: Knowledge and opinion and the American electorate*. Cambridge, MA: Harvard University Press.
- NZPA. (1999, June 7). Bugger-all to complain about: survey. *Waikato Times*, p. 3.
- NZPA. (2000, December 15). Lange withdraws case against Aust publisher. *Waikato Times*, p. 9.

- O'Connor, A. (1995). Evaluating comprehensive community initiatives: A view from history. In J. P. Connell, A. C. Kubisch, L. B. Schorr, & C. H. Weiss (Eds.), *New approaches to evaluating community initiatives* (pp. 23-64). Washington, DC: Aspen Institute.
- Offe, C. (1984). *Contradictions of the welfare state*. London: Hutchinson.
- O'Regan, T., & Cunningham, S. (2000 May). (Eds.), International issues in media regulation [Special issue]. *Media International Australia: Culture and Policy*, 95.
- Olsen, M. E., & Marger, M. N. (1993). Theoretical perspectives on power. In M. E. Olsen, & M. N. Marger. (Eds.), *Power in modern societies* (pp. 75-87). Boulder, CO: Westview Press.
- Osborne, D., & Gaebler, T. (1992). *Re-inventing government: How the entrepreneurial spirit is transforming the public sector*. Reading, MA: Addison-Wesley.
- Orsman, H. W. (1979). *Heinemann New Zealand dictionary*. Wellington: Heinemann Educational Books.
- Page, B. I. (1996). *Who deliberates? Mass media in modern democracy*. Chicago: The University of Chicago Press.
- Patterson, R. (1993). Introduction: Collective identity, television and Europe. In P. Drummond., R. Paterson, & J. Willis, J. (Eds.), *National identity and Europe: The television revolution*(pp. 1-8). London: BFI Publishing.
- Perry, S. (1982). *The New Zealand press council: Establishment and early years 1972-1982*. Wellington: The New Zealand Press Council.
- Plant, R. (1974). *Community and ideology: An essay in applied social philosophy*. London: Routledge & Kegan Paul.

- Powell, M. K. (1998, March 23). *Round pegs in round holes*. Speech to the Annual Meeting of America's Public Television Stations, Crystal City Virginia. [On-line]
- Price, M. E. (1995). *Television, the public sphere and national identity*. Oxford: Clarendon Press.
- Rabinbow, P. (Ed.). (1984). *The Foucault reader*. New York: Pantheon.
- Riessman, C. K. (1993). *Narrative analysis*. London: Sage.
- Rennie, H. (1990). Public sector broadcasting. In G. R. Hawke (Ed.). *Access to the airwaves: Issues in public sector broadcasting*. Wellington: Victoria University Press.
- Rennie, H. (1992). Broadcasting following deregulation. In M. Comrie, & J. McGregor (Eds.), *Whose news?* (pp. 60-72). Palmerston North: Dunmore Press.
- Ritchie, J. E. (1977). *Television in New Zealand*. Hamilton: University of Waikato.
- Ropoport, R. (1970). Three dilemmas in action research. *Human Relations*, 23, 1-11.
- Rose, R. (1969). (Ed.). *Policy making in Great Britain*. London: MacMillan.
- Rosenbaum, W. (1991). *Environmental politics and policy* (2<sup>nd</sup> ed.). Washington, DC: CQ Press.
- Rosenberg, W. (1993). *New Zealand can be different and better*. Christchurch: NZ Monthly Review Committee.
- Scannel, P. (1992). Public service broadcasting: The history of a concept. In A. Goodwin, & G. Whannel (Eds.), *Understanding television* (pp. 11-29). London: Routledge.

- Schulze, G. (1996). On the threshold of a new era in media history. In K. Dyson, & W. Homolka (Eds.), *Culture first! Promoting standards in the new media age*. London: Cassell.
- Seidman, S. (1994). *Contested knowledge: Social theory in the postmodern era*. Oxford: Blackwell.
- Seiter, E., Borchers, H., Kreutzner, G., & Warth, E. (1989). *Remote control: Television, audiences and cultural power*. London: Routledge.
- Sefton-Green, J., & Buckingham, D. (1998). Shooting across the bows: Cultural studies and action research meet again, *Educational Action Research*, 6(3), 527-529.
- Shaw, C. (1995). Taste, decency and standards. In A. Smith (Ed.). *Television: An international history* (pp. 15-34). NY: Oxford University Press.
- Smee, P. (1997). Putting viewers first. *Consumer Policy review*, 7(5), 166-169.
- Smith, P. (1999, September 17). Citizens jury offers strong view on broadcasting. *The National Business Review*, p. 39.
- Smith, P. (1996). *Revolution in the air!* Auckland: Longman
- Snoddy, R. (1998, September 25). Is ITV reversing the trend at last. *The Times*, p. 48.
- Spicer, B., Powell, M., & Emanuel, D. (1996). *The remaking of television New Zealand 1984-1992*. Auckland: Auckland University Press.
- Stace, M. (1998). *Privacy: Interpreting the broadcasting standards authority's decisions January 1990 to June 1998*. Palmerston North: Dunmore Press.

- Stace, D., & Norman, R. (1995). *Re-invented government: The New Zealand experience*. Sydney: Australian Graduate School of Management.
- Stainback, S., & Stainback, W. (1988). *Understanding and conducting qualitative research*. Duboque, IA: Kendall Hunt.
- Stake, R. E. (2000). Case studies. In N. K. Denzin, & Y. S. Lincoln (Eds.); *Handbook of qualitative research* (2<sup>nd</sup> ed.), (pp. 435-454). Thousand Oaks, CA: Sage.
- Templeton, I. (1999, March 1). Genetics give food for thought. *Sunday Star Times*, Edition A, p. 2
- Tetlock, P. E. (1988). Macro implications. In S. Krause, & R. M. Perloff. (Eds.), *Mass media and political thought: An information gathering approach* (pp. 267-289). London: Sage.
- The Economic Monitoring Group. (1985). *The regulated economy*. Wellington: New Zealand Planning Council.
- Thomas, J. (2000 May). It's later than you think: The productivity commission's broadcasting inquiry and beyond. *Media International Australia*, 95, 9-18.
- Thompson, P. A. (2000 October). *TVNZ charter: The road to nowhere*. Christchurch: NZ Friends of Public Broadcasting
- Treasury (1984b). *State-owned enterprises policy paper*. Wellington: New Zealand Government Printer.
- Treasury (1985). *Economic statement*. Wellington: New Zealand Government Printer.
- Trebilcot, J. (Ed.). (1983). *Mothering: Essays in feminist theory*. Totowa, NJ: Rowman and Allanheld.

Trotter, C. (1996, May 17). Politicians disregard the popular will. *The Dominion*, p. 6.

Tucker, J. (1992 ). *Kiwi journalist: A practical guide to news journalism*. Auckland: Longman Paul.

Turner, G. (2000). Editorial. *Media International Australia*, 95, 1-2.

TVNZ (1996). *A history of television in New Zealand*. TVNZ Internet Web Site.

TVNZ (1994). *Company profile*. Auckland: Corporate Communications.

Vande Berg, L. R., & Wenner, L. A. (1991). *Television criticism: Approaches and applications*. New York: Longman.

Veis, J. (2000, May 3). Democracy and the press. *Otago Daily Times*, p. 6

Vogel, H. L. (1994). *Entertainment industry economics*. New York: University of Cambridge.

Vowles, J., & Aimer, P. (1993). *Voters' vengeance*. Auckland: Auckland University Press.

*Waikato Times*. (2000, April 27). Few complaints upheld, p. 2.

*Waikato Times*. (2000, May 15). Intervention increasing, p. 3.

*Waikato Times*. (2000, October 20). Lange case back in court, p. 3.

*Waikato Times*. (2000, October 25). TV charter no draw, p. 9.

Ward, T. (1996). Walking our talk: The mystification of critical language. In M. Peters, W. Hope, J. Marshall, & S. Webster (Eds.), *Critical theory, poststructuralism and the social context*. Palmerston North: Dunmore Press.



- Wartenberg, T. E. (1990). *The forms of power: From domination to transformation*. Philadelphia, PA: Temple University Press.
- Watling, R. (1997). 'Ships that pass in the night': Why cultural studies never quite met action research, *Educational Action Research*, 5(2), 337-343.
- Watson, C. A. (1993). *Sophie Lee's sex*. Wellington, New Zealand: Broadcasting Research Standards Authority.
- Watson, C., & Shuker, R. (1998). *In the public good: Censorship in New Zealand*. Palmerston North: The Dunmore Press.
- Weber, M. (1970). The theory of social and economic organisation. In *Max Weber: The interpretation of social reality* (pp. 76-155). London: Michael Joseph.
- Weiss, C. (1972). The turbulent setting of the action program. In *Evaluation research: Methods for assessing program effectiveness* (pp. 92-109). Englewood Cliffs, NJ: Prentice-Hall.
- Wheeler, M. (1976). *Lies, damn lies and statistics: The manipulation of public opinion in America*. New York: Liveright.
- White, D. M. (1950). The 'gate-keeper': A case study in the selection of news. *Journalism Quarterly*, 27, 383-90.
- White, R. (1981). *The witness of pebbles*. Oxford: George Ronald.
- Whitehead, J. (1993). *The growth of educational knowledge: Creating your own living educational theories*. Bournemouth, England: Bath University.
- Whittle, S. (1998). Broadcasting: More than just a utility. *Consumer Policy Review*, 8(1).
- Wilson, O. (1946). *What's wrong with broadcasting: A plan for radio in New Zealand*. Auckland: Pelorus Press.

- Wimmer, R. D., & Dominick, J.R. (1997). *Mass media research: An introduction*. London: Wadsworth Publishing.
- Winter, R. (1998). Where does the 'theory' come from in action research? *Educational Action Research*, 6(3), 361-376.
- Wintour, P. (2000, December 12). Consumers win powers at giant media watchdog. *Media Guardian Online*.
- Wood, B., & Maharey, S. (1994). Mass media. In P. Spoonley, D. Pearson, & I. Shirley (Eds.), *New Zealand Society* (pp. 193-212). Palmerston North: Dunmore Press.
- Wrong, D. H. (1993). Problems in defining power. In M. E. Olsen, & M. N. Marger. (Eds.), *Power in modern societies* (pp. 75-87). Boulder, CO: Westview Press.
- Yuval-Davis, N. (1997). Women, citizenship and difference. *Feminist Review*, 57, 4-27.
- Zaller, J. R. (1992). *The nature and origins of mass opinion*. Cambridge: Cambridge University Press.
- Zanker, R. (1993). Accentuating the positive: The responses of advertising agencies to a period of rapid change in New Zealand. *Metro Magazine*, 95, 4-46.
- Zeni, J. (1998). A guide to ethical issues and action research. *Educational Action Research*, 6 (1), 9-19.
- Zwaga, W. (1992). Delivering television audiences to the advertisers? Impressions from the living room. *Marketing Bulletin*, 3, 9-17.